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## OLR Bill Analysis

sHB 7394 (as amended by House "A")\*

### ***AN ACT CONCERNING THE PROTECTION OF CONFIDENTIAL COMMUNICATIONS BETWEEN A FIRST RESPONDER AND A PEER SUPPORT TEAM MEMBER.***

#### **SUMMARY**

This bill makes communications between a first responder and a peer support team member confidential with certain exceptions. The confidentiality applies only to communications and records made in the course of a first responder's participation in a peer support program established by his or her employer. The bill generally prohibits a peer support team member from disclosing any confidential communications or records unless the first responder waives the privilege.

Under the bill, "first responder" means:

1. certain statutorily-defined peace officers and firefighters (see BACKGROUND);
2. privately employed firefighters;
3. ambulance drivers;
4. certified emergency medical responders, emergency medical technicians, or advanced emergency medical technicians;
5. licensed paramedics; and
6. telecommunication operators whose primary responsibilities are to process emergency calls, dispatch emergency services, and disseminate emergency information.

\*House Amendment "A" adds privately employed firefighters to the bill's definition of "first responder."

EFFECTIVE DATE: October 1, 2019

## **DISCLOSURE PROHIBITIONS**

The bill's general prohibition against disclosure by a peer support team member applies to any third party and in any civil, criminal, legislative, or administrative proceeding. The bill also prohibits anyone in those proceedings from asking a first responder anything about his or her participation in a peer support program or if the first responder was ever in such a program.

## **DISCLOSURE EXCEPTIONS**

Under the bill, a peer support team member may disclose confidential communications to a third party when it is reasonably necessary for the team member to help the first responder. Additionally, peer support team members do not need a first responder's consent to disclose confidential communications under the following circumstances:

1. when statutorily mandated to do so,
2. if they believe in good faith that failure to disclose would present a clear and present danger to someone, or
3. if they were witnesses or parties to an incident that resulted in peer support services to the first responder.

## **BACKGROUND**

### ***Peace Officers***

By law, the following individuals are designated peace officers: state and local police, Division of Criminal Justice inspectors, state marshals exercising statutory powers, judicial marshals performing their duties, conservation or special conservation officers, constables who perform criminal law enforcement duties, appointed special policemen, adult probation officers, Department of Correction officials authorized to make arrests in a correctional institution or facility, investigators in the State Treasurer's Office, U.S. marshals and deputy marshals, U.S. special agents authorized to enforce federal food and drug laws, and

certified police officers of a law enforcement unit created and governed under a state-tribal memorandum (CGS § 53a-3(9)).

**Firefighters**

By law, the following individuals are designated firefighters: any (1) uniformed member of a paid municipal, state, or volunteer fire department and (2) local fire marshal, deputy fire marshal, fire investigator, fire inspector, and certain other classes of inspectors and investigators (CGS § 7-313g).

**Related Bills**

HB 6376 (File 401), reported favorably by the Public Safety and Security Committee, expands the above statutory definition of peace officer to include motor vehicle inspectors in the Department of Motor Vehicles who have received Police Officer Standards and Training Council certification.

HB 5154 (File 465), reported favorably by the Public Safety and Security Committee, and SB 380 (File 590), reported favorably by the Public Health and Judiciary committees, contain various provisions relating to police officers who seek mental health services, including provisions generally prohibiting a law enforcement unit from firing, disciplining, or discriminating against an officer solely for seeking mental health services or surrendering his or her firearm when seeking such services.

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Substitute  
Yea 37 Nay 0 (04/10/2019)