



House of Representatives

General Assembly

File No. 850

January Session, 2019

Substitute House Bill No. 7394

House of Representatives, April 30, 2019

The Committee on Judiciary reported through REP. STAFSTROM of the 129th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

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

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2019*) (a) As used in this
2 section:

3 (1) "Peer support team member" means any person engaged in
4 directing or staffing any peer support program established by an
5 employer for the benefit of an employee who is a first responder;

6 (2) "First responder" means: Any peace officer, as defined in section
7 53a-3 of the general statutes; any firefighter, as defined in section 7-
8 313g of the general statutes; any ambulance driver, emergency medical
9 responder, emergency medical technician, advanced emergency
10 medical technician or paramedic, as defined in section 19a-175 of the
11 general statutes; and any telecommunicator, as defined in section 28-30
12 of the general statutes; and

13 (3) "Confidential communications" means all oral and written
14 communications transmitted in confidence between a first responder
15 and a peer support team member in the course of participation in an
16 employer established peer support program and all records prepared
17 by a peer support team member related to such first responder's
18 participation in such program.

19 (b) Except as provided in subsection (d) of this section, and unless
20 the first responder making the confidential communication waives the
21 privilege, no peer support team member shall disclose any confidential
22 communications (1) to any third person, other than a person to whom
23 disclosure is reasonably necessary for the accomplishment of the
24 purposes for which such member is consulted, (2) in any civil or
25 criminal case or proceeding, or (3) in any legislative or administrative
26 proceeding.

27 (c) No person in any civil or criminal case or proceeding or in any
28 legislative or administrative proceeding may request or require
29 information from any first responder relating to the first responder's
30 participation in a peer support program, including whether or not
31 such first responder at any time participated in such peer support
32 program.

33 (d) Consent of a first responder shall not be required for the
34 disclosure of such first responder's confidential communications:

35 (1) Where mandated by any other provision of the general statutes;

36 (2) Where a peer support team member believes in good faith that
37 the failure to disclose such confidential communications presents a
38 clear and present danger to any individual, including the first
39 responder; and

40 (3) Where the peer support team member was a witness or party to
41 an incident that resulted in the delivery of peer support services to the
42 first responder.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2019	New section

Statement of Legislative Commissioners:

In Section 1(a)(3), "in the course of the relationship with a first responder" was changed to "related to such first responder's participation in such program" for clarity; and the provisions of Section (1)(b) were restructured for clarity.

JUD *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note**State Impact:** None**Municipal Impact:** None**Explanation**

The bill, which prevents requests for peer support group information from first responders under certain conditions, is not anticipated to result in a fiscal impact to the State or municipalities.

The Out Years**State Impact:** None**Municipal Impact:** None

OLR Bill Analysis

sHB 7394

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 responders include:

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

EFFECTIVE DATE: October 1, 2019

DISCLOSURE PROHIBITIONS

The bill's general prohibition on 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:

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 related to police officers who seek mental health care services, including generally prohibiting a law enforcement unit from firing, disciplining, or discriminating against an officer solely because the officer seeks mental health services or surrenders his or her firearm during the period when the officer seeks such services.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 37 Nay 0 (04/10/2019)