



House of Representatives

File No. 985

General Assembly

January Session, 2019

(Reprint of File No. 850)

Substitute House Bill No. 7394
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
May 23, 2019

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 person employed as a firefighter by a
9 private employer, any ambulance driver, emergency medical
10 responder, emergency medical technician, advanced emergency
11 medical technician or paramedic, as defined in section 19a-175 of the
12 general statutes; and any telecommunicator, as defined in section 28-30
13 of the general statutes; and

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

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

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

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

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

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

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

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

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.

House "A" made a clarifying change to the underlying bill that 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 (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)