
OLR Bill Analysis

SB 342 (File 220, as amended by Senate "A")*

AN ACT CONCERNING THE CONFIDENTIALITY OF COMMUNICATIONS BETWEEN PEER SUPPORT TEAM MEMBERS AND DEPARTMENT OF CORRECTION OFFICERS.

SUMMARY

This bill extends to all Department of Correction (DOC) employees existing provisions that make oral and written communications between a first responder and a peer support team member confidential with certain exceptions. It does this by adding DOC employees to a statutory definition of the term "first responder," thus adding them to the list of people to whom these provisions apply. (These provisions already apply to DOC officials with arresting authority in a correctional institution or facility because they are "peace officers" and therefore considered "first responders" under existing law.)

By law, the confidentiality protection applies only to (1) communications made in confidence as part of a first responder's participation in a peer support program established by his or her employer and (2) all records prepared by a team member related to a first responder's program participation. Existing law generally prohibits a peer support team member from disclosing those communications unless the first responder waives the privilege. (A "peer support team member" is any person who directs or staffs any employer-established peer support program for first responders.)

*Senate Amendment "A" applies the confidentiality protection to all DOC employees instead of just its officers.

EFFECTIVE DATE: July 1, 2024

FIRST RESPONDERS

Under current law, "first responder" means:

1. certain 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 employed by a public or private safety agency whose primary responsibilities are to process emergency calls, dispatch emergency services, and disseminate emergency information.

The bill expands this list of professionals to include all DOC employees.

DISCLOSURE PROHIBITIONS

Existing law generally prohibits a peer support team member from disclosing confidential communications to any third party and in any civil, criminal, legislative, or administrative proceeding. It also prohibits anyone in those proceedings from requesting or requiring a first responder to provide information about his or her participation in a peer support program, including whether the first responder was ever in such a program. The bill extends these confidentiality protections to all DOC employees.

DISCLOSURE EXCEPTIONS

By law, a peer support team member may disclose confidential communications to a third party when it is reasonably necessary for the team member to accomplish the purpose for which he or she was consulted. Additionally, peer support team members do not need a first responder's consent to disclose these communications under the following circumstances:

1. when statutorily required to do so;

2. if they believe in good faith that failure to disclose would present a clear and present danger to someone, including the first responder; and
3. if they were witnesses or parties to an incident that resulted in the delivery of peer support services to the first responder.

Under the bill, these exceptions also apply to communications between any DOC employee and a peer support team member.

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, DOC officials authorized to make arrests in a correctional institution or facility, investigators in the State Treasurer's Office, certified Department of Motor Vehicles inspectors, 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 Bill

HB 5283 (File 172), favorably reported by the Public Safety and Security Committee, expands the above definition of "peace officer" to include parole officers. Parole officers are DOC employees who supervise inmates in the community after they are released from prison

on parole or another prison release program. As such, under this bill, DOC parole officers would get existing law's confidentiality protections for first responders.

COMMITTEE ACTION

Public Safety and Security Committee

Joint Favorable

Yea 25 Nay 0 (03/19/2024)