

Committee on Children, Families, And Elder Affairs

CS/CS/HB 573 — First Responders and Correctional Officers

by Judiciary Committee; Civil Justice Subcommittee; and Reps. Casello, McClain, and others
(CS/CS/SB 160 by Rules Committee; Judiciary Committee; and Senators Perry and Hooper)

The bill defines a peer support communication as oral, electronic, or written communications between a first responder and a first responder peer. The communication must be made with a mutual expectation of confidentiality and for the purpose of discussing physical or emotional issues associated with the first responder's employment.

Under the bill, a first responder peer is a first responder who is not a health care practitioner, who has experience providing physical or emotional support to first responders, and who has been designated by the first responder's employing agency to provide peer support and has received training to do so. The bill generally prohibits the disclosure of a first responder's peer support communication with a first responder.

The bill protects the confidentiality of the communications by prohibiting the first responder peer from divulging the communications or from testifying in civil, criminal, administrative, and disciplinary proceedings regarding the communications, subject to the following exceptions:

- The first responder peer is a defendant in a civil, criminal, administrative, or disciplinary proceeding arising from a complaint filed by the first responder who was a party to the peer support communication;
- The first responder provides written consent;
- The person providing peer support suspects that the first responder has committed, or intends to commit, a criminal act or has reason to believe that the first responder is a threat to himself or herself or others; or
- There is a reasonable basis to fear for the safety of the first responder, another person, or society, and the first responder peer communicates relevant information only to a potential victim and law enforcement or other appropriate authorities.

The bill does not limit the disclosure of information obtained by a first responder peer from a source other than a peer. The bill also modifies the process for conducting law enforcement officer internal affairs investigations. Specifically, an agency head may request a sworn or certified investigator from a different agency to conduct the investigation when the employing agency identifies a conflict; the agency does not have an investigator trained to conduct such investigations; or the agency's investigator is the subject of or witness to an investigation and the agency is comprised of 35 or fewer officers. The employing agency must document the identified conflict and upon completion of the investigation must present the findings to the employing agency without any disciplinary recommendations.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 39-0; House 115-0

