

First Regular Session of the 124th General Assembly (2025)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2024 Regular Session of the General Assembly.

HOUSE ENROLLED ACT No. 1118

AN ACT to amend the Indiana Code concerning public safety.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 36-8-2.5-2, AS AMENDED BY P.L.7-2021, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 2. (a) Except as otherwise provided in this section, a communication made by a first responder recipient to:

- (1) a CISM services provider while the first responder recipient receives CISM services; or
- (2) a peer support team member while the first responder recipient receives peer support services;

is confidential. **A first responder recipient may not be compelled to testify or otherwise disclose a communication made to a CISM services provider or peer support team member relating to the first responder recipient's CISM services in a civil, criminal, or administrative proceeding.**

(b) A CISM services provider or peer support team member may not be compelled to testify or otherwise disclose the communication communications relating to CISM services in a civil, criminal, or administrative proceeding without the consent of the first responder recipient.

~~(b)~~ **(c)** Except as otherwise provided in this section, a record of a communication kept by:

- (1) a CISM services provider relating to CISM services; or
- (2) a peer support team member relating to peer support services;

HEA 1118



provided to a first responder recipient is confidential and is not subject to subpoena, discovery, or introduction into evidence in a civil, criminal, or administrative proceeding.

~~(c)~~ **(d)** A communication is confidential for purposes of IC 5-14-3.

~~(d)~~ **(e)** A communication is not confidential and may be disclosed for the following purposes:

(1) The CISM services provider or peer support team member may disclose the communication to make a referral for the first responder recipient.

(2) The CISM services provider or peer support team member may disclose the communication to consult about the first responder recipient with a CISM services provider, peer support team member, or an appropriate professional associated with the CISM team or peer support team.

(3) The CISM services provider or peer support team member may disclose the communication to the extent reasonably necessary to prevent a first responder recipient from committing a crime or fraud that the CISM services provider or peer support team member reasonably believes is likely to result in death, substantial bodily harm, or substantial economic injury to another.

~~(e)~~ **(f)** A communication is not confidential if:

(1) the communication conveys information that the first responder recipient poses or appears to pose an imminent threat of harm to the first responder recipient, a CISM services provider, a peer support team member, or another individual;

(2) the communication conveys information relating to child, spousal, or elder abuse;

(3) the first responder recipient or the legal representative of the first responder recipient expressly agrees that the first responder recipient's communication is not confidential;

(4) the CISM services provider or the peer support team member was a witness or a party to the incident that led to the provision of CISM services or peer support services; or

(5) the first responder recipient consents to the disclosure of the communication.

SECTION 2. IC 36-8-2.5-3, AS AMENDED BY P.L.7-2021, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 3. **(a) A first responder recipient or the first responder recipient's employer may not be held liable for damages for any act, error, or omission committed by the first responder recipient, including:**

(1) personal injury;



- (2) wrongful death;
- (3) property damage; or
- (4) other loss;

based on a communication provided between a first responder recipient and the CISM team, CISM services provider, or peer support team as part of the CISM services for the first responder recipient unless the act, error, or omission committed by the first responder recipient or the first responder recipient's employer constitutes wanton, willful, or intentional misconduct.

~~(a)~~ (b) Except as provided in subsection ~~(c)~~; (d), a CISM team or a CISM services provider providing CISM services is not liable for damages for any act, error, or omission committed by the CISM team or the CISM services provider in performing CISM services in accordance with this chapter, including:

- (1) personal injury;
- (2) wrongful death;
- (3) property damage; or
- (4) other loss;

unless the act, error, or omission constitutes wanton, willful, or intentional misconduct.

~~(b)~~ (c) Except as provided in subsection ~~(c)~~; (d), a peer support services team or a peer support services team member providing peer support services is not liable for damages for any act, error, or omission committed by the peer support team or the peer support team member in performing peer support services in accordance with this chapter, including:

- (1) personal injury;
- (2) wrongful death;
- (3) property damage; or
- (4) other loss;

unless the act, error, or omission constitutes wanton, willful, or intentional misconduct.

~~(c)~~ (d) This section does not apply to an action for medical malpractice.



Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

HEA 1118

