

SENATE BILL No. 269

DIGEST OF INTRODUCED BILL

Citations Affected: IC 36-8-2.5.

Synopsis: Leave following critical incident. Provides that a first responder may take up to 48 hours of leave immediately following a qualified critical incident. Defines a "qualified critical incident". Provides that the employer of a first responder who requests to take the qualified critical incident leave may elect to pay the first responder for the qualified critical incident leave.

Effective: July 1, 2023.

Alting

January 11, 2023, read first time and referred to Committee on Pensions and Labor.



First Regular Session of the 123rd General Assembly (2023)

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 2022 Regular Session of the General Assembly.

SENATE BILL No. 269

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

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

1 SECTION 1. IC 36-8-2.5-1, AS AMENDED BY P.L.7-2021,
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2023]: Sec. 1. The following definitions apply throughout this
4 chapter:

5 (1) "Communication" means an oral or written statement, note,
6 record, recording, report, or document made during, or arising out
7 of, a first responder's receipt of CISM services or peer support
8 services.

9 (2) "Critical incident" means an actual or perceived event or
10 situation that involves crisis, disaster, trauma, or emergency.

11 (3) "Critical incident stress" means the acute or cumulative
12 psychological stress or trauma that a first responder may
13 experience in providing emergency services in response to a
14 critical incident. The stress or trauma is an unusually strong
15 emotional, cognitive, behavioral, or physical reaction that may
16 interfere with normal functioning by causing:

17 (A) physical and emotional injury or illness;



- 1 (B) failure of a usual coping mechanism;
 2 (C) loss of interest in work or normal life activities;
 3 (D) loss of ability to function; or
 4 (E) psychological disruption of personal life, including the
 5 emergency responder's relationship with a spouse, child,
 6 relative, or friend.
- 7 (4) "CISM services" means critical incident stress management
 8 services that include programs and services related to education,
 9 prevention, and mitigation of the effects from exposure to highly
 10 stressful critical incidents. The term includes services provided by
 11 an individual certified to provide group crisis intervention,
 12 individual crisis intervention, peer support, or any related service.
- 13 (5) "CISM services provider" means an individual who is certified
 14 to provide CISM services and who is acting as part of a CISM
 15 team or in another official capacity.
- 16 (6) "CISM team" means an organized community or local crisis
 17 response team that is trained and certified under standards
 18 substantially similar to the training and certification standards
 19 established by the Indiana emergency medical services
 20 commission as set forth under IC 16-31-2.
- 21 (7) "First responder" has the meaning set forth in IC 10-10.5-2-1.
- 22 (8) "First responder recipient" means an individual who is a first
 23 responder and receives CISM services, peer support services, or
 24 both.
- 25 (9) "Peer support services" means services provided by a person
 26 who:
- 27 (A) is a first responder working for the same department or
 28 public agency that the first responder recipient works for; and
 29 (B) acts:
- 30 (i) in the person's official capacity as a peer support team
 31 member; and
 32 (ii) within the written peer support guidelines that are in
 33 effect for the person's respective first responder agency
 34 program.
- 35 The term includes active listening, assessment, mentoring, crisis
 36 intervention, or other support services provided to an employee
 37 experiencing personal or professional difficulties that may or may
 38 not be a result of the employee's exposure to highly stressful
 39 critical incidents.
- 40 (10) "Peer support team member" means a first responder who:
- 41 (A) has successfully completed peer support training; and
 42 (B) is designated a peer support team member;



1 by the head of the first responder's agency or the president of the
2 bargaining unit of the employees of the department or agency.

3 **(11) "Qualified critical incident" means a critical incident**
4 **that causes the first responder critical incident stress. The**
5 **events may include:**

6 **(A) a shooting involving the first responder;**

7 **(B) a vehicle crash resulting in serious injury or death to a**
8 **first responder or citizen;**

9 **(C) the first responder being the victim of a felonious**
10 **assault;**

11 **(D) the death of a colleague or partner;**

12 **(E) the death of, or serious injury to, a person in the**
13 **custody or care of a police officer or firefighter;**

14 **(F) the severe injury to, or death of, a child, particularly if**
15 **the first responder has a child of or near the same age; or**

16 **(G) an incident involving multiple deaths or injuries in a**
17 **short amount of time.**

18 SECTION 2. IC 36-8-2.5-4 IS ADDED TO THE INDIANA CODE
19 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
20 1, 2023]: **Sec. 4. (a) A first responder may take up to forty-eight**
21 **(48) hours of leave immediately following a qualified critical**
22 **incident. The qualified critical incident leave may commence:**

23 **(1) upon the completion of the first responder's shift**
24 **encompassing the critical incident, or when all necessary**
25 **administrative procedures relating to the critical incident**
26 **have been completed; and**

27 **(2) after the first responder notifies the first responder's**
28 **supervisor.**

29 **(b) The employer of a first responder who requests to take the**
30 **qualified critical incident leave described in subsection (a) may**
31 **elect to pay the first responder for the qualified critical incident**
32 **leave described in subsection (a).**

33 **(c) The employer of a first responder may not retaliate against**
34 **a first responder who requests or obtains the qualified critical**
35 **incident leave described in subsection (a).**

