

HOUSE BILL 167

By Moody

AN ACT to amend Tennessee Code Annotated, Title 10 and Title 24, Chapter 1, relative to privileged communications.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 24-1-204(a), is amended by inserting the following as new subdivisions:

() "Critical incident stress management" or "CISM" means a comprehensive, integrative, multicomponent crisis intervention protocol developed specifically for dealing with traumatic events, consisting of multiple crisis intervention components ranging from pre-crisis phase through the acute crisis phase and into the post-crisis phase. It is a formal, highly structured, and professionally recognized process for helping those involved in a critical incident to share their experiences, vent emotions, learn about stress reactions and symptoms, and obtain referral for further help if needed. Interventions may be applied to individuals, small functional groups, large groups, families, organizations, or communities;

() "Peer supporter" means:

(A) A law enforcement officer, firefighter, emergency medical services personnel, or civilian employee of a law enforcement agency or fire department who has received CISM training from a recognized training agency, as described in this subsection (a), to provide emotional and moral support and counseling to a law enforcement officer, firefighter, or emergency medical services personnel in need of those services as a result of an incident occurring in the law enforcement

officer's, firefighter's, or emergency medical services personnel's official duties;
or

(B) A non-employee counselor who has received CISM training from a recognized training agency, as described in this subsection (a), and has been designated by the sheriff, police chief, fire chief, director of emergency medical services, colonel of the Tennessee highway patrol, or director of the Tennessee bureau of investigation to provide emotional and moral support and counseling to a law enforcement officer, firefighter, or emergency medical services personnel in need of those services as a result of an incident occurring in the law enforcement officer's, firefighter's, or emergency medical services personnel's official duties;

SECTION 2. Tennessee Code Annotated, Section 24-1-204(b), is amended by designating the existing language as subdivision (1) and adding the following as subdivision (2):

(2) All communications between a peer supporter providing, and a law enforcement officer, firefighter, or emergency medical services personnel participating in, CISM intervention at any phase is confidential and no person shall be required to disclose the communication unless otherwise required by law or rule of court.

SECTION 3. Tennessee Code Annotated, Section 24-1-204, is amended by deleting subsection (c) and substituting:

(c) Except as provided in subsection (d):

(1) A person, whether a team member, team leader, or group participant, providing or participating in a crisis intervention cannot be required to testify or divulge any information obtained solely through crisis intervention; and

(2)

(A) A peer supporter cannot be required to testify or divulge any information obtained solely through CISM intervention if:

(i) The peer supporter was designated as a peer supporter by the sheriff, police chief, fire chief, director of emergency medical services, colonel of the Tennessee highway patrol, or director of the Tennessee bureau of investigation prior to the incident resulting in CISM intervention; and

(ii) The peer supporter was acting in the capacity of a peer supporter at the time of the communication.

(B) This subdivision (c)(2) does not apply if the peer supporter was involved in conducting an investigation into the incident discussed; an initial responding law enforcement officer, firefighter, or emergency medical services personnel; a witness; or a party to the incident that prompted the CISM intervention services.

SECTION 4. This act takes effect July 1, 2021, the public welfare requiring it, and applies to any privilege asserted on or after that date.