

SENATE BILL 523

By McNally

AN ACT to amend Tennessee Code Annotated, Title 24,
Chapter 1, Part 2, relative to privileged
communications.

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

SECTION 1. Tennessee Code Annotated, Title 24, Chapter 1, Part 2, is amended by
adding the following language as a new section thereto:

24-1-2__.

(a) As used in this section:

(1) "Crisis response services" means consultation, risk
assessment, referral, and crisis intervention services provided by a critical
incident stress management team to individuals affected by crisis or
disaster;

(2) "Critical incident stress management team member," referred
to also as "team member," means an individual specially trained to
provide crisis response services as a member of an organized community
or local crisis response team that holds membership in registered critical
incident stress management team;

(3) "Crisis intervention" means a session at which crisis response
services are rendered by a critical incident stress management team
member during or after a crisis or disaster;

(4) "Registered team" means a team formally registered with a
recognized training agency. For the purposes of this section, a
recognized training agency shall include the International Critical Incident

Stress Foundation, the National Organization for Victim Assistance, the American Red Cross, the Tennessee Public Safety Network, and other such organizations;

(5) "Training session" means a session providing crisis response training by a qualified trained trainer utilizing the standards established by the accrediting agencies set out in subdivision (a)(4); and

(6) "Volunteer" means a person who serves and receives no remuneration for services except reimbursement for actual expenses.

(b) All communications between a critical incident stress management team member or team leader providing, and a group participant or person participating in, a crisis intervention shall be considered confidential and no such person shall be required to disclose any such communication unless otherwise required by law or rule of court.

(c) Except as provided under subsection (d), no person, whether critical incident stress management team member, team leader or group participant providing or participating in a crisis intervention shall be required to testify or divulge any information resulting from such crisis intervention.

(d) The testimonial privilege established under subsection (c) shall not apply if any of the following are true:

(1) The communication or advice indicates clear and present danger to the individual who receives crisis response services or to any other person or persons;

(2) The communication indicates cases in which there are indications of present or past child abuse or neglect of the individual; or

(3) All parties involved in the crisis intervention, including the individual or individuals who received crisis response services, expressly waive the privilege and consent to the testimony.

SECTION 2. This act shall take effect July 1, 2009, the public welfare requiring it.