



Sen. Terry Link

Filed: 4/4/2018

10000SB2945sam001

LRB100 19027 SLF 36815 a

1 AMENDMENT TO SENATE BILL 2945

2 AMENDMENT NO. _____. Amend Senate Bill 2945 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the First
5 Responders Suicide Prevention Act.

6 Section 5. Legislative findings. The General Assembly
7 finds that:

8 (1) This State's first responders are tasked with work that
9 is highly stressful where one continually faces the impact of
10 murder, violence, accidents, serious injury, and death. The day
11 in and day out impact of these situations wreak havoc
12 personally and professionally on those who serve their
13 communities. Work as a first responder is a combination of
14 extreme boredom with incidents of mind-numbing terror. No
15 person, no matter how highly trained or well-adjusted, is
16 immune to the long-term impact of cumulative stress or sudden

1 critical incidents.

2 (2) Since September 11, 2001, the role of first responders
3 has changed dramatically. First responders have become the
4 teachers, advocates, counselors, enforcement, and safety to
5 those they serve, yet year after year, police and fire fighters
6 always rank at the top for the most stressful jobs in this
7 country. The demands of shift work, change in politics and
8 public policy, and having to make life changing decisions
9 within seconds are all contributing factors in the mental
10 health and welfare of our public servants. Alcoholism, divorce,
11 depression, post-traumatic stress disorder (PTSD),
12 stress-related health issues, and suicide among first
13 responders are constantly well above the national average. The
14 health and well-being of first responders not only affect the
15 officer or fire fighter, but those who work closely around the
16 first responder and the public he or she serves and protects.

17 (3) The purpose of this Act is to allow agencies to train
18 personnel in peer counseling. This allows fire fighters and law
19 enforcement officers to have access to trained persons within
20 their respective fields to speak to and seek guidance during
21 difficult and challenging times in their careers and lives.
22 Most first responders feel comfortable speaking to others
23 within their profession that have experienced similar
24 situations. Allowing this type of counseling gives public
25 servants the ability to seek help during trying times with the
26 confidence of knowing their issue is held in confidence with

1 someone who understands. No longer should these public servants
2 have to suffer in silence.

3 (4) Maintaining an emotional and mentally healthy class of
4 first responders should be a priority goal to achieve. Healthy
5 fire fighters and police make better decisions, increase
6 productivity, create better work environments, and respond to
7 society in a much more open and effective manner.

8 Section 10. Definitions. In this Act:

9 "Emergency services provider" means any public employer
10 that employs persons to provide fire fighting services.

11 "Emergency services personnel" means any employee of an
12 emergency services provider who is engaged in providing fire
13 fighting services.

14 "Employee assistance program" means a program established
15 by a law enforcement agency or emergency services provider to
16 provide counseling support services to employees of the law
17 enforcement agency or emergency services provider, including
18 peer support counselors who have received training in
19 counseling and moral support.

20 "Law enforcement agency" means any county sheriff,
21 municipal police department, police department established by
22 a university, Department of State Police, Department of
23 Corrections, Department of Children and Family Services,
24 Division of Probation Services of the Supreme Court, the Office
25 of the Statewide 9-1-1 Administrator, and other local or county

1 agency comprised of county probation officers, corrections
2 employees, or 9-1-1 telecommunicators or emergency medical
3 dispatchers.

4 "Peer support counseling session" means communication with
5 a counselor through an employee assistance program or a trained
6 peer support counselor designated by the emergency services
7 provider or law enforcement agency.

8 "Public safety personnel" means any employee of a law
9 enforcement agency.

10 Section 15. Establishment of employee assistance program;
11 applicability.

12 (a) This Act applies to peer support counseling sessions
13 conducted by an employee or other person who:

14 (1) has been designated by a law enforcement agency or
15 emergency services provider or by an employee assistance
16 program to act as a counselor; and

17 (2) has received training in counseling to provide
18 emotional and moral support to public safety personnel or
19 emergency services personnel who have been involved in
20 emotionally traumatic incidents by reason of their
21 employment that may affect their ability to execute their
22 respective duties.

23 (b) An emergency services provider or law enforcement
24 agency may establish an employee assistance program to assist
25 emergency services personnel and public safety personnel,

1 including designating a person within the emergency services
2 provider or law enforcement agency to act as a peer support
3 counselor. An emergency services provider or law enforcement
4 agency shall give appropriate training in counseling to provide
5 emotional and moral support to persons designated as a peer
6 support counselor. Emergency services personnel and public
7 safety personnel may refer any person to an employee assistance
8 program or peer support counselor within the emergency services
9 provider or law enforcement agency, or if those services are
10 not available within the agency, to another employee assistance
11 program or peer support counseling program that is available.

12 Section 20. Confidentiality; exemptions.

13 (a) Any communication made by a participant or counselor in
14 a peer support counseling session conducted by a law
15 enforcement agency or by an emergency services provider for
16 public safety personnel or emergency services personnel and any
17 oral or written information conveyed in the peer support
18 counseling session is confidential and may not be disclosed by
19 any person participating in the peer support counseling
20 session.

21 (b) Any communication relating to a peer support counseling
22 session made confidential under this Section that is made
23 between counselors, between counselors and the supervisors or
24 staff of an employee assistance program, or between the
25 supervisor or staff of an employee assistance program, is

1 confidential and may not be disclosed.

2 (c) This Section does not prohibit any communications
3 between counselors who conduct peer support counseling
4 sessions or any communications between counselors and the
5 supervisors or staff of an employee assistance program.

6 (d) This Section does not apply to:

7 (1) any threat of suicide or homicide made by a
8 participant in a peer counseling session or any information
9 conveyed in a peer support counseling session related to a
10 threat of suicide or homicide;

11 (2) any information relating to the abuse of children
12 or of the elderly or other information that is required to
13 be reported by law; or

14 (3) any admission of criminal conduct.

15 (e) All communications, notes, records, and reports
16 arising out of a peer support counseling session are not
17 subject to disclosure under Section 7.5 of the Freedom of
18 Information Act.

19 Section 25. Judicial proceedings.

20 (a) Any oral communication or written information made or
21 conveyed by a participant or counselor in a peer support
22 session, including an employee assistance program, is not
23 admissible in any judicial proceeding, arbitration proceeding,
24 or other adjudicatory proceeding. Communications and
25 information made confidential may not be disclosed by the

1 participants in any judicial proceeding, administrative
2 proceeding, arbitration proceeding, or other adjudicatory
3 proceeding. The limitations on disclosure imposed by this
4 Section include disclosure during any discovery conducted as a
5 part of an adjudicatory proceeding.

6 (b) Nothing in this Section limits the discovery or
7 introduction into evidence, knowledge acquired by any public
8 safety personnel or emergency services personnel from
9 observations made during the course of employment or material
10 or information acquired during the course of employment that is
11 otherwise subject to discovery in evidence.

12 Section 105. The Freedom of Information Act is amended by
13 changing Section 7.5 as follows:

14 (5 ILCS 140/7.5)

15 (Text of Section before amendment by P.A. 100-512 and
16 100-517)

17 Sec. 7.5. Statutory exemptions. To the extent provided for
18 by the statutes referenced below, the following shall be exempt
19 from inspection and copying:

20 (a) All information determined to be confidential
21 under Section 4002 of the Technology Advancement and
22 Development Act.

23 (b) Library circulation and order records identifying
24 library users with specific materials under the Library

1 Records Confidentiality Act.

2 (c) Applications, related documents, and medical
3 records received by the Experimental Organ Transplantation
4 Procedures Board and any and all documents or other records
5 prepared by the Experimental Organ Transplantation
6 Procedures Board or its staff relating to applications it
7 has received.

8 (d) Information and records held by the Department of
9 Public Health and its authorized representatives relating
10 to known or suspected cases of sexually transmissible
11 disease or any information the disclosure of which is
12 restricted under the Illinois Sexually Transmissible
13 Disease Control Act.

14 (e) Information the disclosure of which is exempted
15 under Section 30 of the Radon Industry Licensing Act.

16 (f) Firm performance evaluations under Section 55 of
17 the Architectural, Engineering, and Land Surveying
18 Qualifications Based Selection Act.

19 (g) Information the disclosure of which is restricted
20 and exempted under Section 50 of the Illinois Prepaid
21 Tuition Act.

22 (h) Information the disclosure of which is exempted
23 under the State Officials and Employees Ethics Act, and
24 records of any lawfully created State or local inspector
25 general's office that would be exempt if created or
26 obtained by an Executive Inspector General's office under

1 that Act.

2 (i) Information contained in a local emergency energy
3 plan submitted to a municipality in accordance with a local
4 emergency energy plan ordinance that is adopted under
5 Section 11-21.5-5 of the Illinois Municipal Code.

6 (j) Information and data concerning the distribution
7 of surcharge moneys collected and remitted by carriers
8 under the Emergency Telephone System Act.

9 (k) Law enforcement officer identification information
10 or driver identification information compiled by a law
11 enforcement agency or the Department of Transportation
12 under Section 11-212 of the Illinois Vehicle Code.

13 (l) Records and information provided to a residential
14 health care facility resident sexual assault and death
15 review team or the Executive Council under the Abuse
16 Prevention Review Team Act.

17 (m) Information provided to the predatory lending
18 database created pursuant to Article 3 of the Residential
19 Real Property Disclosure Act, except to the extent
20 authorized under that Article.

21 (n) Defense budgets and petitions for certification of
22 compensation and expenses for court appointed trial
23 counsel as provided under Sections 10 and 15 of the Capital
24 Crimes Litigation Act. This subsection (n) shall apply
25 until the conclusion of the trial of the case, even if the
26 prosecution chooses not to pursue the death penalty prior

1 to trial or sentencing.

2 (o) Information that is prohibited from being
3 disclosed under Section 4 of the Illinois Health and
4 Hazardous Substances Registry Act.

5 (p) Security portions of system safety program plans,
6 investigation reports, surveys, schedules, lists, data, or
7 information compiled, collected, or prepared by or for the
8 Regional Transportation Authority under Section 2.11 of
9 the Regional Transportation Authority Act or the St. Clair
10 County Transit District under the Bi-State Transit Safety
11 Act.

12 (q) Information prohibited from being disclosed by the
13 Personnel Records Review Act.

14 (r) Information prohibited from being disclosed by the
15 Illinois School Student Records Act.

16 (s) Information the disclosure of which is restricted
17 under Section 5-108 of the Public Utilities Act.

18 (t) All identified or deidentified health information
19 in the form of health data or medical records contained in,
20 stored in, submitted to, transferred by, or released from
21 the Illinois Health Information Exchange, and identified
22 or deidentified health information in the form of health
23 data and medical records of the Illinois Health Information
24 Exchange in the possession of the Illinois Health
25 Information Exchange Authority due to its administration
26 of the Illinois Health Information Exchange. The terms

1 "identified" and "deidentified" shall be given the same
2 meaning as in the Health Insurance Portability and
3 Accountability Act of 1996, Public Law 104-191, or any
4 subsequent amendments thereto, and any regulations
5 promulgated thereunder.

6 (u) Records and information provided to an independent
7 team of experts under Brian's Law.

8 (v) Names and information of people who have applied
9 for or received Firearm Owner's Identification Cards under
10 the Firearm Owners Identification Card Act or applied for
11 or received a concealed carry license under the Firearm
12 Concealed Carry Act, unless otherwise authorized by the
13 Firearm Concealed Carry Act; and databases under the
14 Firearm Concealed Carry Act, records of the Concealed Carry
15 Licensing Review Board under the Firearm Concealed Carry
16 Act, and law enforcement agency objections under the
17 Firearm Concealed Carry Act.

18 (w) Personally identifiable information which is
19 exempted from disclosure under subsection (g) of Section
20 19.1 of the Toll Highway Act.

21 (x) Information which is exempted from disclosure
22 under Section 5-1014.3 of the Counties Code or Section
23 8-11-21 of the Illinois Municipal Code.

24 (y) Confidential information under the Adult
25 Protective Services Act and its predecessor enabling
26 statute, the Elder Abuse and Neglect Act, including

1 information about the identity and administrative finding
2 against any caregiver of a verified and substantiated
3 decision of abuse, neglect, or financial exploitation of an
4 eligible adult maintained in the Registry established
5 under Section 7.5 of the Adult Protective Services Act.

6 (z) Records and information provided to a fatality
7 review team or the Illinois Fatality Review Team Advisory
8 Council under Section 15 of the Adult Protective Services
9 Act.

10 (aa) Information which is exempted from disclosure
11 under Section 2.37 of the Wildlife Code.

12 (bb) Information which is or was prohibited from
13 disclosure by the Juvenile Court Act of 1987.

14 (cc) Recordings made under the Law Enforcement
15 Officer-Worn Body Camera Act, except to the extent
16 authorized under that Act.

17 (dd) Information that is prohibited from being
18 disclosed under Section 45 of the Condominium and Common
19 Interest Community Ombudsperson Act.

20 (ee) Information that is exempted from disclosure
21 under Section 30.1 of the Pharmacy Practice Act.

22 (ff) Information that is exempted from disclosure
23 under the Revised Uniform Unclaimed Property Act.

24 (gg) ~~(ff)~~ Information that is prohibited from being
25 disclosed under Section 7-603.5 of the Illinois Vehicle
26 Code.

1 (hh) ~~(ff)~~ Records that are exempt from disclosure under
2 Section 1A-16.7 of the Election Code.

3 (ii) ~~(ff)~~ Information which is exempted from
4 disclosure under Section 2505-800 of the Department of
5 Revenue Law of the Civil Administrative Code of Illinois.

6 (jj) Communications, notes, records, and reports
7 arising out of a peer support counseling session prohibited
8 from disclosure under the First Responders Suicide
9 Prevention Act.

10 (Source: P.A. 99-78, eff. 7-20-15; 99-298, eff. 8-6-15; 99-352,
11 eff. 1-1-16; 99-642, eff. 7-28-16; 99-776, eff. 8-12-16;
12 99-863, eff. 8-19-16; 100-20, eff. 7-1-17; 100-22, eff. 1-1-18;
13 100-201, eff. 8-18-17; 100-373, eff. 1-1-18; 100-464, eff.
14 8-28-17; 100-465, eff. 8-31-17; revised 11-2-17.)

15 (Text of Section after amendment by P.A. 100-517 but before
16 amendment by P.A. 100-512)

17 Sec. 7.5. Statutory exemptions. To the extent provided for
18 by the statutes referenced below, the following shall be exempt
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18 (g) Information the disclosure of which is restricted
19 and exempted under Section 50 of the Illinois Prepaid
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13 (r) Information prohibited from being disclosed by the
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21 or deidentified health information in the form of health
22 data and medical records of the Illinois Health Information
23 Exchange in the possession of the Illinois Health
24 Information Exchange Authority due to its administration
25 of the Illinois Health Information Exchange. The terms
26 "identified" and "deidentified" shall be given the same

1 meaning as in the Health Insurance Portability and
2 Accountability Act of 1996, Public Law 104-191, or any
3 subsequent amendments thereto, and any regulations
4 promulgated thereunder.

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6 team of experts under Brian's Law.

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8 for or received Firearm Owner's Identification Cards under
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26 information about the identity and administrative finding

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18 Interest Community Ombudsperson Act.

19 (ee) Information that is exempted from disclosure
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21 (ff) Information that is exempted from disclosure
22 under the Revised Uniform Unclaimed Property Act.

23 (gg) ~~(ff)~~ Information that is prohibited from being
24 disclosed under Section 7-603.5 of the Illinois Vehicle
25 Code.

26 (hh) ~~(ff)~~ Records that are exempt from disclosure under

1 Section 1A-16.7 of the Election Code.

2 (ii) ~~(ff)~~ Information which is exempted from
3 disclosure under Section 2505-800 of the Department of
4 Revenue Law of the Civil Administrative Code of Illinois.

5 (jj) ~~(ff)~~ Information and reports that are required to
6 be submitted to the Department of Labor by registering day
7 and temporary labor service agencies but are exempt from
8 disclosure under subsection (a-1) of Section 45 of the Day
9 and Temporary Labor Services Act.

10 (kk) Communications, notes, records, and reports
11 arising out of a peer support counseling session prohibited
12 from disclosure under the First Responders Suicide
13 Prevention Act.

14 (Source: P.A. 99-78, eff. 7-20-15; 99-298, eff. 8-6-15; 99-352,
15 eff. 1-1-16; 99-642, eff. 7-28-16; 99-776, eff. 8-12-16;
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11 and temporary labor service agencies but are exempt from
12 disclosure under subsection (a-1) of Section 45 of the Day
13 and Temporary Labor Services Act.

14 (kk) ~~(ff)~~ Information prohibited from disclosure under
15 the Seizure and Forfeiture Reporting Act.

16 (ll) Communications, notes, records, and reports
17 arising out of a peer support counseling session prohibited
18 from disclosure under the First Responders Suicide
19 Prevention Act.

20 (Source: P.A. 99-78, eff. 7-20-15; 99-298, eff. 8-6-15; 99-352,
21 eff. 1-1-16; 99-642, eff. 7-28-16; 99-776, eff. 8-12-16;
22 99-863, eff. 8-19-16; 100-20, eff. 7-1-17; 100-22, eff. 1-1-18;
23 100-201, eff. 8-18-17; 100-373, eff. 1-1-18; 100-464, eff.
24 8-28-17; 100-465, eff. 8-31-17; 100-512, eff. 7-1-18; 100-517,
25 eff. 6-1-18; revised 11-2-17.)

1 Section 110. The Department of State Police Law of the
2 Civil Administrative Code of Illinois is amended by adding
3 Section 2605-99 as follows:

4 (20 ILCS 2605/2605-99 new)

5 Sec. 2605-99. Training; suicide prevention. The
6 Department, in consultation with a statewide association who
7 represents public pension funds under Article 3 and Article 4
8 of the Illinois Pension Code, shall conduct or approve a 2-day
9 in-service training program for State Police officers in
10 job-related stress management and suicide prevention. The
11 in-service training program shall train State Police officers
12 to recognize signs of work-related cumulative stress and other
13 related issues that may lead to suicide and offer appropriate
14 solutions for intervention. This in-service training program
15 shall be completed every 2 years by each State Police officer.
16 The Department shall establish the training program on or
17 before January 1, 2019.

18 Section 115. The Illinois Police Training Act is amended by
19 adding Section 10.17-2 as follows:

20 (50 ILCS 705/10.17-2 new)

21 Sec. 10.17-2. Training; suicide prevention. The Board, in
22 consultation with a statewide association who represents
23 public pension funds under Article 3 and Article 4 of the

1 Illinois Pension Code, shall conduct or approve a 2-day
2 in-service training program for law enforcement officers in
3 job-related stress management and suicide prevention. The
4 in-service training program shall train law enforcement
5 officers of local government agencies to recognize signs of
6 work-related cumulative stress and other related issues that
7 may lead to suicide and offer appropriate solutions for
8 intervention. This in-service training program shall be
9 completed every 2 years by each local law enforcement officer.
10 The Board shall establish the training program on or before
11 January 1, 2019.

12 Section 120. The Illinois Fire Protection Training Act is
13 amended by adding Section 12.2 as follows:

14 (50 ILCS 740/12.2 new)

15 Sec. 12.2. Training; suicide prevention. The Office, in
16 consultation with a statewide association who represents
17 public pension funds under Article 3 and Article 4 of the
18 Illinois Pension Code, shall conduct or approve a 2-day
19 in-service training program for permanent fire protection
20 personnel in job-related stress management and suicide
21 prevention. The in-service training program shall train fire
22 fighters to recognize signs of work-related cumulative stress
23 and other related issues that may lead to suicide and offer
24 appropriate solutions for intervention. This in-service

1 training program shall be completed every 2 years by each
2 permanent fire protection personnel. The Office shall
3 establish the training program on or before January 1, 2019.

4 Section 995. No acceleration or delay. Where this Act makes
5 changes in a statute that is represented in this Act by text
6 that is not yet or no longer in effect (for example, a Section
7 represented by multiple versions), the use of that text does
8 not accelerate or delay the taking effect of (i) the changes
9 made by this Act or (ii) provisions derived from any other
10 Public Act.

11 Section 999. Effective date. This Act takes effect upon
12 becoming law.".