

104TH GENERAL ASSEMBLY**State of Illinois****2025 and 2026****HB4842**

by Rep. Michael J. Kelly

SYNOPSIS AS INTRODUCED:

5 ILCS 840/20

5 ILCS 840/23 new

Amends the First Responders Suicide Prevention Act. Provides that confidentiality protections under the Act apply regardless of whether the peer support person is employed by, or affiliated with, the same agency as the first responder receiving support. Provides that, except in specified circumstances, all communications, records, notes, reports, or information disclosed during, or in connection with, a critical incident stress management session is confidential and may not be disclosed by any CISM practitioner. Provides that a CISM practitioner may not be compelled to testify or disclose any communication, record, note, report, or information disclosed during, or in connection with, a critical incident stress management session in any administrative, civil, or criminal proceeding. Provides that the confidentiality protections under the provisions apply whether or not the CISM practitioner is affiliated with the same agency as the individual receiving services. Provides that any communication described in the provisions is subject to subpoena for good cause shown. Provides that the confidentiality protections under the provisions do not apply to (1) any threat of suicide or homicide made by a participant in a peer support counseling session or any information conveyed in a peer support counseling session related to a threat of suicide or homicide; (2) any information mandated by law or agency policy to be reported, including, but not limited to, domestic violence, child abuse or neglect, or elder abuse or neglect; (3) any admission of criminal conduct; or (4) an admission or act of refusal to perform duties to protect others or the employee of the emergency services provider or law enforcement agency. Defines "CISM practitioner" and "CISM services".

LRB104 16619 BDA 30020 b

1 AN ACT concerning government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The First Responders Suicide Prevention Act is
5 amended by changing Section 20 and by adding Section 23 as
6 follows:

7 (5 ILCS 840/20)

8 Sec. 20. Confidentiality; exemptions.

9 (a) Any communication made by an employee of an emergency
10 services provider or law enforcement agency or peer support
11 advisor in a peer support counseling session and any oral or
12 written information conveyed in the peer support counseling
13 session is confidential and may not be disclosed by any person
14 participating in the peer support counseling session and shall
15 not be released to any person or entity.

16 (b) Any communication relating to a peer support
17 counseling session made confidential under this Section that
18 is made between peer support advisors and the supervisors or
19 staff of a peer support counseling program, or between the
20 supervisor or staff of a peer support counseling program, is
21 confidential and may not be disclosed.

22 (c) This Section does not prohibit any communications
23 between counselors who conduct peer support counseling

1 sessions or any communications between counselors and the
2 supervisors or staff of a peer support counseling program.

3 (c-5) Any communication described in subsection (a) or (b)
4 is subject to subpoena for good cause shown.

5 (d) This Section does not apply to:

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

10 (2) any information mandated by law or agency policy
11 to be reported, including, but not limited to, domestic
12 violence, child abuse or neglect, or elder abuse or
13 neglect;

14 (3) any admission of criminal conduct; or

15 (4) an admission or act of refusal to perform duties
16 to protect others or the employee of the emergency
17 services provider or law enforcement agency.

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

22 (e-5) A department that establishes a peer support
23 counseling program shall develop a policy or rule that imposes
24 disciplinary measures against a peer support advisor who
25 violates the confidentiality of the peer support counseling
26 program by sharing information learned in a peer support

1 counseling session with department personnel who are not
2 supervisors or staff of the peer support counseling program,
3 unless the information is related to the exemptions in
4 subsection (d).

5 (e-10) Confidentiality protections under this Act apply
6 regardless of whether the peer support person is employed by,
7 or affiliated with, the same agency as the first responder
8 receiving support.

9 (f) A cause of action exists for public safety personnel
10 or emergency services personnel if the emergency services
11 provider or law enforcement agency uses confidential
12 information obtained during a confidential peer support
13 counseling session conducted by a law enforcement agency or by
14 an emergency services provider for an adverse employment
15 action against the participant.

16 (Source: P.A. 101-375, eff. 8-16-19.)

17 (5 ILCS 840/23 new)

18 Sec. 23. Confidentiality of critical incident stress
19 management communications.

20 (a) As used in this Section:

21 "Critical incident stress management practitioner" or
22 "CISM practitioner" means any individual, including a
23 clinician or a first responder, who is certified in Illinois
24 to provide CISM services, regardless of agency affiliation.
25 "Critical incident stress management practitioner" or "CISM

1 practitioner" includes a volunteer or a private-sector
2 practitioner.

3 "Critical incident stress management services" or "CISM
4 services" means any crisis intervention, defusing, debriefing,
5 assessment, consultation, or support activity provided under a
6 critical incident stress management program.

7 (b) Except as provided in subsection (c) of Section 20,
8 all communications, records, notes, reports, or information
9 disclosed during, or in connection with, a critical incident
10 stress management session is confidential and may not be
11 disclosed by any CISM practitioner.

12 (c) A CISM practitioner may not be compelled to testify or
13 disclose any communication, record, note, report, or
14 information disclosed during, or in connection with, a
15 critical incident stress management session in any
16 administrative, civil, or criminal proceeding.

17 (d) The confidentiality protections under this Section
18 apply whether or not the CISM practitioner is affiliated with
19 the same agency as the individual receiving services.

20 (e) Any communication described in this Section is subject
21 to subpoena for good cause shown.

22 (f) This Section does not apply to:

23 (1) any threat of suicide or homicide made by a
24 participant in a peer support counseling session or any
25 information conveyed in a peer support counseling session
26 related to a threat of suicide or homicide;

1 (2) any information mandated by law or agency policy
2 to be reported, including, but not limited to, domestic
3 violence, child abuse or neglect, or elder abuse or
4 neglect;

5 (3) any admission of criminal conduct; or

6 (4) an admission or act of refusal to perform duties
7 to protect others or the employee of the emergency
8 services provider or law enforcement agency.