

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) The privileges established under this Section do not
6 apply if any of the following occur:

7 (1) the communication indicates an intent to engage in
8 conduct likely to result in imminent death or serious
9 physical injury to the participant or another individual;

10 (2) the person receiving the peer support counseling
11 session discloses information that is required to be
12 reported under the mandated reporting laws, including, but
13 not limited to, the reporting of maltreatment of minors,
14 the reporting of maltreatment of vulnerable adults,
15 provided the disclosure is only for the purpose of
16 reporting maltreatment and limited to information
17 necessary to make such a report;

18 (3) the participant expressly waives the privilege or
19 gives consent to disclosure of the privileged
20 communication;

21 (4) the participant is deceased and the surviving
22 spouse or the executor or administrator of the estate of
23 the deceased participant expressly waives the privilege or
24 gives consent to disclosure of the privileged
25 communication; or

26 (5) the participant sought or obtained the peer

1 support counseling services to enable or aid anyone to
2 commit or plan to commit what the participant knew, or
3 reasonably should have known, was a crime or fraud. This
4 ~~Section does not apply to:~~

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

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

13 ~~(3) any admission of criminal conduct; or~~

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

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

21 (e-5) A department that establishes a peer support
22 counseling program shall develop a policy or rule that imposes
23 disciplinary measures against a peer support advisor who
24 violates the confidentiality of the peer support counseling
25 program by sharing information learned in a peer support
26 counseling session with department personnel who are not

1 supervisors or staff of the peer support counseling program,
2 unless the information is related to the exemptions in
3 subsection (d).

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

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

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

16 (5 ILCS 840/23 new)

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

19 (a) In this Section:

20 "Civilian employee" means an employee of a law
21 enforcement, fire, or emergency medical services agency who is
22 not a first responder.

23 "Critical incident" means an event that results in acute
24 or cumulative psychological stress or trauma to emergency
25 service personnel. "Critical incident" includes, but is not

1 limited to, an encounter that may result in the death of or
2 serious injury to another person or the imminent potential of
3 such death or serious bodily injury, a fatal motor vehicle
4 accident, a child abuse investigation, a death investigation,
5 a large-scale, human-made or natural disaster, or situations
6 or incidents during the course of a first responder's duties
7 that cause cumulative exposure to stress.

8 "Critical incident stress management services" or "CISM
9 services" means consultation, risk assessment, education,
10 intervention, and other crisis intervention services provided
11 by a CISM team or CISM team member to a first responder,
12 civilian employee or an immediate family member of a first
13 responder or civilian employee before, during, or after a
14 critical incident.

15 "Critical incident stress management team" means a group
16 that is organized to provide critical incident stress
17 management to emergency service providers and that consists of
18 critical incident stress management team members. "Critical
19 incident stress management team" includes members from any
20 emergency service discipline, mental health professionals, and
21 designated emergency service chaplains.

22 "Critical incident stress management team member" or "CISM
23 team member" means an individual who satisfies all of the
24 following:

25 (1) is specially trained to provide CISM services to
26 assist and provide support to a first responder who has

1 been involved in a critical incident that may affect, or
2 has affected, the person's work performance or general
3 well-being; and

4 (2) meets the requirements of a nationally accredited
5 critical incident stress management organization or
6 network.

7 "First responders" means federal, State, and local law
8 enforcement officers, fire and emergency medical services
9 personnel, hazardous materials response team members, 9-1-1
10 dispatchers, chaplains, or any individuals who are responsible
11 for the protection and preservation of life, property, and
12 evidence and who have been sent or directed to respond to a
13 request for assistance as a result of a critical incident.

14 "Immediate family member" means a spouse, dating partner,
15 person with a child in common, parent, child, step-relative,
16 and people sharing a dwelling.

17 "Participant" means any of the following:

18 (1) a first responder who obtains or has obtained CISM
19 services or wellness program services;

20 (2) a first responder's immediate family member who
21 obtains or has obtained wellness program services;

22 (3) a civilian employee who obtains or has obtained
23 wellness program services; or

24 (4) a civilian employee's immediate family member who
25 obtains or has obtained wellness program services.

26 "Trained peer support member" means a first responder who

1 is designated as a peer support member by a State, county, or
2 municipal law enforcement, fire, or emergency medical services
3 agency and who is specially trained to provide a participant
4 with wellness program services.

5 "Wellness program" means a voluntary and comprehensive
6 health initiative designed to improve the well-being of
7 participants through the use of trained peer support members.

8 "Wellness program services" means any one or more of the
9 following services provided through a wellness program:

10 (1) counseling;

11 (2) spiritual guidance; and

12 (3) education about financial resources, health
13 resources, legal assistance, and stress management
14 services.

15 (b) Except as provided in subsections (c-5) and (d) of
16 this Section, all proceedings, communications, and records,
17 including any information acquired by a CISM team, CISM team
18 member, or trained peer support member from a participant, are
19 confidential. A CISM team member or trained peer support
20 member may not be compelled to disclose the proceedings,
21 communications, or records, including any information
22 acquired, through compulsory legal process, and the
23 confidential proceedings, communications, records, and
24 information under this subsection (b) are not discoverable or
25 admissible in evidence in any action, including any legal
26 proceeding, trial, or investigation unless the confidentiality

1 is waived by the affected participant.

2 (c) The privileges in subsection (b) of this Section apply
3 only if the proceedings, communications, or records, including
4 information acquired, are obtained during the provision of
5 CISM services or wellness program services.

6 (c-5) Any communication under subsection (b) is subject to
7 a subpoena for good cause shown.

8 (d) The privileges established under subsection (b) of
9 this Section do not apply if any of the following occur:

10 (1) the communication indicates an intent to engage in
11 conduct likely to result in imminent death or serious
12 physical injury to the participant or another individual;

13 (2) the person receiving critical incident stress
14 management services discloses information that is required
15 to be reported under the mandated reporting laws,
16 including, but not limited to, the reporting of
17 maltreatment of minors or the reporting of maltreatment of
18 vulnerable adults, provided the disclosure is only for the
19 purpose of reporting maltreatment and limited to
20 information necessary to make such a report;

21 (3) the participant expressly waives the privilege or
22 gives consent to disclosure of the privileged
23 communication;

24 (4) the participant is deceased and the surviving
25 spouse or the executor or administrator of the estate of
26 the deceased participant expressly waives the privilege or

1 gives consent to disclosure of the privileged
2 communication; or

3 (5) the participant sought or obtained the CISM
4 services or wellness program services to enable or aid
5 anyone to commit or plan to commit what the participant
6 knew, or reasonably should have known, was a fraud or
7 other crime.

8 (e) Information otherwise available from the original
9 source is not privileged from discovery or use in any civil or
10 criminal action merely because the information was disclosed
11 by a participant during CISM services or wellness program
12 services if the disclosure of the information sought is
13 otherwise permissible and the information is otherwise
14 discoverable.