



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB5898

by Rep. Dan Brady

SYNOPSIS AS INTRODUCED:

New Act

Creates the Public Safety Peer Support Counseling Confidentiality Act. Provides that any communication made by a participant or counselor in a peer support counseling session conducted by a law enforcement agency or by an emergency services provider for public safety personnel or emergency services personnel, and any oral or written information conveyed in the peer support counseling session, is confidential and may not be disclosed by any person participating in the peer support counseling session. Provides that any communication relating to a peer support counseling session made confidential that is made between counselors, between counselors and the supervisors or staff of an employee assistance program, or between the supervisors or staff of an employee assistance program, is confidential and may not be disclosed. Provides exemptions. Effective immediately.

LRB098 17702 RLC 52817 b

1 AN ACT concerning health.

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

4 Section 1. Short title. This Act may be cited as the Public
5 Safety Peer Support Counseling Confidentiality Act.

6 Section 5. Peer support counseling sessions;
7 confidentiality; admissibility of evidence.

8 (a) As used in this Section:

9 "Emergency services personnel" means any employee of
10 an emergency services provider who is engaged in providing
11 firefighting services.

12 "Emergency services provider" means any public
13 employer that employs persons to provide firefighting
14 services.

15 "Employee assistance program" means a program
16 established by a law enforcement agency or emergency
17 services provider to provide counseling or support
18 services to employees of the law enforcement agency or
19 emergency services provider.

20 "Law enforcement agency" means any county sheriff,
21 municipal police department, the Illinois State Police,
22 any police department established by an institution of
23 higher education, and any State or local public body that

1 employs public safety personnel.

2 "Public safety personnel" means a sheriff, deputy
3 sheriff, municipal police officer, police officer
4 commissioned by an institution of higher education, State
5 police officer, parole and probation officer, corrections
6 employee, certified reserve officer, telecommunicator, or
7 emergency medical dispatcher.

8 (b) Any communication made by a participant or counselor in
9 a peer support counseling session conducted by a law
10 enforcement agency or by an emergency services provider for
11 public safety personnel or emergency services personnel, and
12 any oral or written information conveyed in the peer support
13 counseling session, is confidential and may not be disclosed by
14 any person participating in the peer support counseling
15 session.

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

22 (d) This Section applies only to peer support counseling
23 sessions conducted by an employee or other person who:

24 (1) has been designated by a law enforcement agency or
25 emergency services provider, or by an employee assistance
26 program, to act as a counselor; and

1 (2) has received training in counseling and in
2 providing emotional and moral support to public safety
3 personnel or emergency services personnel who have been
4 involved in emotionally traumatic incidents by reason of
5 their employment.

6 (e) This Section applies to all oral communications, notes,
7 records, and reports arising out of a peer support counseling
8 session. Any notes, records, or reports arising out of a peer
9 support counseling session are not public records for the
10 purpose of the Freedom of Information Act.

11 (f) Any communication made by a participant or counselor in
12 a peer support counseling session subject to this Section, and
13 any oral or written information conveyed in a peer support
14 counseling session subject to this Section, is not admissible
15 in any judicial proceeding, administrative proceeding,
16 arbitration proceeding, or other adjudicatory proceeding.
17 Communications and information made confidential under this
18 Section may not be disclosed by the participants in any
19 judicial proceeding, administrative proceeding, arbitration
20 proceeding or other adjudicatory proceeding. The limitations
21 on disclosure imposed by this subsection include disclosure
22 during any discovery conducted as part of an adjudicatory
23 proceeding.

24 (g) Nothing in this Section limits the discovery or
25 introduction in evidence of knowledge acquired by any public
26 safety personnel or emergency services personnel from

1 observation made during the course of employment, or material
2 or information acquired during the course of employment, that
3 is otherwise subject to discovery or introduction in evidence.

4 (h) This 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 relating to a threat of suicide or homicide;

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

12 (3) any admission of criminal conduct.

13 (i) This Section does not prohibit any communications
14 between counselors who conduct peer support counseling
15 sessions, or any communications between counselors and the
16 supervisors or staff of an employee assistance program.

17 Section 99. Effective date. This Act takes effect upon
18 becoming law.