

# SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

**BILL NO.** House Bill 1332

**PRINTER'S NO.** 4049

**AMOUNT**

No Fiscal Impact

**FUND**

General Fund

**DATE INTRODUCED**

April 22, 2009

**PRIME SPONSOR**

Representative Gergely

**HISTORY OF BILL**

Referred to JUDICIARY, April 22, 2009  
Reported as amended, June 16, 2009  
First consideration, June 16, 2009  
Re-committed to RULES, June 16, 2009  
Re-reported as committed, June 22, 2009  
Re-committed to APPROPRIATIONS, June 22, 2009  
Re-reported as committed, June 22, 2009  
Second consideration, with amendments, June 22, 2009  
(Remarks see House Journal Page 1158-1159), June 22, 2009  
Third consideration and final passage, June 25, 2009 (192-0)  
(Remarks see House Journal Page 1242-1243), June 25, 2009  
In the Senate  
Referred to JUDICIARY, June 26, 2009  
Reported as amended, Jan. 26, 2010  
First consideration, Jan. 26, 2010  
Re-referred to APPROPRIATIONS, March 9, 2010  
Re-reported as amended, June 30, 2010

**DESCRIPTION AND PURPOSE OF BILL**

House Bill 1332 amends Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes to provide for confidential communications to a critical incident stress management team member (CISM) by law enforcement officers, public safety responders and corrections officers and for confidential communications to a peer support member by law enforcement officers.

# **SENATE APPROPRIATIONS COMMITTEE**

## **FISCAL NOTE**

Specifically, this legislation creates new sections that provide for the following:

- §5950 provides that a CISM may not be compelled or allowed without the consent of the law enforcement officer that provided confidential information to disclose that information in a legal proceeding, trial, or investigation before any government unit. This applies to a co-participant as well. A subsection allows for four exceptions to the disclosure of such confidential communications. They are as follows:
  - 1) The communication indicates clear and present danger to the officer or other individuals;
  - 2) The officer gives consent for disclosure;
  - 3) The officer's surviving spouse, executor or estate administrator gives their express consent; or
  - 4) The court in camera determines that the communications pertain to criminal acts committed or contemplated by the officer.
- §5951 provides for the same as §5950 except that it applies to confidential communications between a CISM or co-participant and public safety responders and corrections officers; and
- §5952 provides for the same as §5951 and §5952 except that it applies to confidential communications between "peer support members" and a law enforcement officer. A "peer support member" is defined in the legislation as a law enforcement officer who is assigned by a law enforcement agency, receives a minimum of 24 hours of basic training in peer services, including listening, assessment, and referral skills and basic critical incident stress management, with at least 8 hours of annual continuing training and who may be supervised by a licensed psychologist.

If enacted, this legislation would take effect in 60 days.

### **FISCAL IMPACT:**

According to the Pennsylvania State Police, the enactment of this legislation would have no fiscal impact to Commonwealth funds. Therefore, it is assumed that this would apply to all law enforcement agencies, as defined in the legislation, as well.