

JUDICIAL CODE (42 PA.C.S.) - CONFIDENTIAL COMMUNICATIONS TO CRITICAL  
INCIDENT STRESS MANAGEMENT TEAM MEMBER BY LAW ENFORCEMENT OFFICERS,  
PUBLIC SAFETY RESPONDERS AND CORRECTIONS OFFICERS AND TO PEER  
SUPPORT MEMBER BY LAW ENFORCEMENT OFFICERS  
Act of Jul. 9, 2010, P.L. 381, No. 53 Cl. 42  
Session of 2010  
No. 2010-53

HB 1332

AN ACT

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

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Title 42 of the Pennsylvania Consolidated Statutes is amended by adding sections to read:

§ 5950 . Confidential communications involving law enforcement officers .

(a) Disclosure.--Except as provided under subsection (c) , a critical incident stress management team member who, while in the course of duty , has acquired information from any law enforcement officer in confidence may not be compelled or allowed without the consent of the law enforcement officer to disclose that information in a legal proceeding, trial or investigation before any government unit.

(b) Coparticipants.--Except as provided under subsection (c) , a coparticipant who is present during the course of a critical incident stress management team intervention may not be compelled or allowed, without the consent of the affected law enforcement officer, to disclose any communication made during the intervention in a legal proceeding, trial or investigation before a government unit.

(c) Exceptions.--The privilege established under subsections (a) and (b) shall not apply if any of the following apply:

(1) The communication indicates clear and present danger to the law enforcement officer who received critical incident stress management services or to other individuals.

(2) The law enforcement officer who received critical incident stress management services gives express consent to the disclosure .

(3) The law enforcement officer who received critical incident stress management services is deceased and the surviving spouse or the executor or administrator of the estate of the deceased law enforcement officer gives express consent.

(d) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Coparticipant." An individual who participates in a group critical incident stress management team intervention.

"Critical incident." A situation responded to by a law enforcement officer which presents or involves either the death or serious bodily injury of an individual or the imminent potential

of such death or serious bodily injury, or any situation faced by a law enforcement officer in the course of duty which causes or may cause the law enforcement officer to experience unusually strong negative emotional reactions.

"Critical Incident Stress Management Network." A network that meets the requirements of membership with the Pennsylvania Voluntary Critical Incident Stress Management Network as administered by the Department of Health and is registered with the International Critical Incident Stress Foundation.

"Critical incident stress management services." Consultation, risk assessment, education, intervention, briefing, defusing, debriefing, onsite services, referral and other crisis intervention services provided by a critical incident stress management team to a law enforcement officer prior to, during or after a critical incident.

"Critical incident stress management team member." An individual who is specially trained to provide critical incident stress management services as a member of a police agency or organization critical incident stress management team that holds membership in the Commonwealth's critical incident stress management network.

" Government unit." The General Assembly and its officers and agencies; the Governor and the departments, boards, commissions, authorities and officers and agencies of the Commonwealth or other instrumentalities thereof; any political subdivision, municipality, school district or other local authority and the departments, boards, commissions, authorities and officers and agencies of such political subdivisions or other instrumentalities thereof; and any court or other officer or agency of the unified judicial system or instrumentality thereof.

" Law enforcement officer. " Any of the following:

- (1) A member of the Pennsylvania State Police.
- (2) Any enforcement officer or investigator employed by the Pennsylvania Liquor Control Board.
- (3) A parole agent, enforcement officer and investigator of the Pennsylvania Board of Probation and Parole.
- (4) A Capitol Police officer.
- (5) A Department of Conservation and Natural Resources ranger.
- (6) A drug enforcement agent of the Office of Attorney General whose principal duty is the enforcement of the drug laws of this Commonwealth and a special agent of the Office of Attorney General whose principal duty is the enforcement of the criminal laws of this Commonwealth.
- (7) Any member of a port authority or other authority police department.
- (8) Any police officer of a county, region, city, borough, town or township.
- (9) Any sheriff or deputy sheriff.
- (10) A member of the Pennsylvania Fish Commission.
- (11) A Pennsylvania Wildlife Conservation Officer.
- (12) A member of a campus police force with the power to arrest under section 2416 of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929. As used in this paragraph, the term "campus police" has the meaning given in section 302 of the act of November 29, 2004 (P.L.1383, No.180), known as the Uniform Crime Reporting Act.
- (13) A member of the Fort Indiantown Gap Police Force.

§ 5951. Confidential communications involving public safety responders and corrections officers.

(a) Disclosure.--Except as provided under subsection (c) , a critical incident stress management team member who, while in the course of duty , has acquired information from any public safety

responder or corrections officer in confidence may not be compelled or allowed without the consent of the public safety responder or corrections officer to disclose that information in a legal proceeding, trial or investigation before any government unit.

(b) Coparticipants.--Except as provided under subsection (c), a coparticipant who is present during the course of a critical incident stress management team intervention may not be compelled or allowed, without the consent of the affected public safety responder or corrections officer, to disclose any communication made during the intervention in a legal proceeding, trial or investigation before a government unit.

(c) Exceptions.--The privilege established under subsections (a) and (b) shall not apply if any of the following apply:

(1) The communication indicates clear and present danger to the public safety responder or corrections officer who received critical incident stress management services or to other individuals.

(2) The public safety responder or corrections officer who received critical incident stress management services gives express consent to the testimony.

(3) The public safety responder or corrections officer who received critical incident stress management services is deceased and the surviving spouse or the executor or administrator of the estate of the deceased public safety responder or corrections officer gives express consent.

(d) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Coparticipant." An individual who is participating in a group critical incident stress management team intervention.

"Corrections officer." A corrections officer of the Commonwealth or of a political subdivision.

"Critical incident." A situation responded to by a public safety responder or corrections officer which presents or involves either the death or serious bodily injury of an individual or the imminent potential of such death or serious bodily injury, or any situation faced by a public safety responder or corrections officer in the course of duty which causes or may cause the public safety responder or corrections officer to experience unusually strong negative emotional reactions.

"Critical Incident Stress Management Network." A network that meets the requirements of membership with the Pennsylvania Voluntary Critical Incident Stress Management Network as administered by the Department of Health and is registered with the International Critical Incident Stress Foundation.

"Critical incident stress management services." Consultation, risk assessment, education, intervention, briefing, defusing, debriefing, onsite services, referral and other crisis intervention services provided by a critical incident stress management team to a public safety responder or corrections officer prior to, during or after a critical incident.

"Critical incident stress management team member." An individual who is specially trained to provide critical incident stress management services as a member of a critical incident stress management team that holds membership in the Commonwealth's critical incident stress management network.

"Firefighter." A member of a municipal or volunteer fire company.

"First responder." An individual who is certified by the Department of Health as a first responder.

"Government unit." The General Assembly and its officers and agencies; the Governor and the departments, boards, commissions,

authorities and officers and agencies of the Commonwealth or other instrumentalities thereof; any political subdivision, municipality, school district, local authority and the departments, boards, commissions, authorities and officers and agencies of such political subdivisions or other instrumentalities thereof; and any court or other officer or agency of the unified judicial system or instrumentality thereof.

"Public safety responder." Any firefighter, emergency medical service personnel, ambulance service personnel or emergency telecommunicator, who in a critical incident is responsible for the protection and preservation of life, property, evidence and the environment, including an emergency response provider as defined in section 2 of the Homeland Security Act of 2002 (Public Law 107-296, 116 Stat. 2135), and emergency management and other skilled support personnel who provide immediate support services during prevention, response and recovery operations.

§ 5952. Confidential communications to peer support members.

(a) Disclosure.--Except as provided under subsection (c), a peer support member who, while in the course of duty, has acquired information from a law enforcement officer in confidence may not be compelled or allowed without the consent of the law enforcement officer to disclose that information in any legal proceeding, trial or investigation before any government unit.

(b) Coparticipants.--Except as provided under subsection (c), a coparticipant who is present during the provision of peer support services may not be compelled or allowed, without the consent of the affected law enforcement officer, to disclose any communication made during the provision of peer support services in a legal proceeding, trial or investigation before a government unit.

(c) Exceptions.--The privilege established under subsections (a) and (b) shall not apply if any of the following apply:

(1) The communication indicates clear and present danger to the law enforcement officer who received peer support services or to other individuals.

(2) The law enforcement officer who received peer support services gives express consent to the disclosure.

(3) The law enforcement officer who received peer support services is deceased and the surviving spouse or the executor or administrator of the estate of the deceased law enforcement officer gives express consent.

(d) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Coparticipant." An individual who participates in the provision of peer support services.

"Government unit." The General Assembly and its officers and agencies; the Governor and the departments, boards, commissions, authorities and officers and agencies of the Commonwealth or other instrumentalities thereof; any political subdivision, municipality, school district, local authority and the departments, boards, commissions, authorities and officers and agencies of such political subdivisions or other instrumentalities thereof; and any court or other officer or agency of the unified judicial system or instrumentality thereof.

"Law enforcement officer." Any of the following:

(1) A member of the Pennsylvania State Police.

(2) Any enforcement officer or investigator employed by the Pennsylvania Liquor Control Board.

(3) A parole agent, enforcement officer and investigator of the Pennsylvania Board of Probation and Parole.

(4) A Capitol Police officer.

(5) A Department of Conservation and Natural Resources ranger.

(6) A drug enforcement agent of the Office of Attorney General whose principal duty is the enforcement of the drug laws of this Commonwealth and a special agent of the Office of Attorney General whose principal duty is the enforcement of the criminal laws of this Commonwealth.

(7) Any member of a port authority or other authority police department.

(8) Any police officer of a county, region, city, borough, town or township.

(9) Any sheriff or deputy sheriff.

(10) A member of the Pennsylvania Fish and Boat Commission.

(11) A Pennsylvania Wildlife Conservation Officer.

(12) A member of a campus police force with the power to arrest under section 2416 of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929. As used in this paragraph, the term "campus police" has the meaning given in section 302 of the act of November 29, 2004 (P.L.1383, No.180), known as the Uniform Crime Reporting Act.

(13) A member of the Fort Indiantown Gap Police Force. "Peer support member." A law enforcement officer who:

(1) Is assigned by a law enforcement agency.

(2) Receives a minimum of 24 hours of basic training in peer services, including listening, assessment and referral skills and basic critical incident stress management.

(3) Receives eight hours of continuing training each year.

(4) May be supervised by licensed psychologists.

Section 2. This act shall take effect in 60 days.

APPROVED--The 9th day of July, A.D. 2010.

EDWARD G. RENDELL