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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2012

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A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT - PUBLIC SAFETY
ORGANIZATION PERSONNEL AND PEER SUPPORT MEMBERS

Introduced By: Representatives DaSilva, Guthrie, Azzinaro, and McLaughlin

Date Introduced: February 15, 2012

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 42 of the General Laws entitled "STATE AFFAIRS AND
2 GOVERNMENT" is hereby amended by adding thereto the following chapter:

3 CHAPTER 28.6.1

4 PUBLIC SAFETY ORGANIZATION PERSONNEL AND PEER SUPPORT MEMBERS -

5 TESTIMONIAL PRIVILEGE

6 **42-28.6.1-1. Definitions. --** As used in this chapter: (1) "Crisis Response Services" means
7 consultation, risk assessment, referral, and/or on-site crisis intervention services provided by a
8 critical incident stress management (CISM) team member or peer support member to individuals
9 affected by crisis or disaster.

10 (2) "Critical incident stress management (CISM) team member" means an individual
11 specially trained to provide crisis response services as a member of an organized community or
12 local crisis response organization who holds membership within the Rhode Island critical incident
13 stress management network.

14 (3) "Critical incident stress management network" means a connected system of specially
15 trained peer support members that meet the requirements of membership and registration with the
16 International Critical Incident Stress Foundation (ICISF).

17 (4) "Peer-Support member" means an individual who is a member of a public safety or
18 correctional organization who provides crisis response services and peer support to other safety

1 service personnel. A peer support member shall be required to receive a minimum of twenty-four
2 (24) hours initial training in peer support services and crisis intervention, and fourteen (14) hours
3 of continuing education annually, through an accredited crisis response agency. Those peer-
4 support services may include, but are not limited to, listening, assessment, intervention and
5 referral skills, and critical incident stress management.

6 (5) "Critical incident" means a situation responded to by the public safety organization
7 personnel which has the potential for that public safety organization personnel to experience
8 unusually strong emotional reactions.

9 (6) "Public safety organization personnel" as used in this section means and includes any
10 sworn member of the Rhode Island state police, or any chief or other member of the police
11 department of any city or town regularly employed at a fixed salary or wage and any executive
12 high sheriff, sheriff, deputy sheriff, member of the fugitive task force, or capitol police officer,
13 permanent environmental police officer or criminal investigator of the department of
14 environmental management, airport police officer, public college or university police department,
15 or correctional officer, any chief or other member of the fire department or rescue personnel of
16 any city, town or fire district, paid or volunteer, any chief or other member of the crash rescue
17 section, division of airports, or department of transportation of state of Rhode Island regularly
18 employed at a fixed salary or wage, any fire marshal, chief fire marshal, and deputy fire marshal
19 mean and include the fire marshal, chief fire marshal, and deputy fire marshals regularly
20 employed by the state of Rhode Island pursuant to the provisions of chapter 23-28.2. Public
21 safety organization personnel shall include any civilian members of the aforementioned public
22 safety organizations contained herein.

23 (7) "Co-participant" means a public safety organization person who participates in a
24 group critical incident stress management team intervention.

25 (8) "Communication" means acquiring, recording, or transmitting any information, in any
26 manner, concerning any facts, opinions, or statements necessary to enable critical incident stress
27 management team member or peer-support member to provide appropriate crisis response
28 services.

29 **42-28.6.1-2. Testimonial privilege. --** (a) Except as provided under subsection (c) herein
30 a critical incident stress management team member or peer-support member, while in the course
31 of duty and providing crisis response services with any public safety organization personnel, may
32 not be compelled or allowed, without the consent of the affected public safety organization
33 personnel, to disclose any communication made during the crisis response services in any legal
34 proceeding, civil or criminal, trial or investigation; civil or criminal, or administrative proceeding,

1 including administrative investigation.

2 (b) Except as provided under subsection (c) herein, a co-participant who is present during
3 the course of a crisis response service may not be compelled or allowed, without the consent of
4 the affected public safety organization personnel, to disclose any communication made during the
5 crisis response services in any legal proceeding, civil or criminal, trial or investigation; civil or
6 criminal, or administrative proceeding, including administrative investigation.

7 (c) Exceptions. – The testimonial privilege established herein shall not apply if any of the
8 following apply:

9 (1) The communication indicates a clear and present danger to the public safety
10 organization personnel who received crisis response services or to other individuals.

11 (2) The public safety organization personnel who received crisis response service gives
12 express consent to the testimony.

13 (3) The public safety organization personnel who received crisis response services is
14 deceased and the surviving spouse or the executor or administrator of the estate of the deceased
15 public safety organization personnel gives express consent.

16 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT - PUBLIC SAFETY
ORGANIZATION PERSONNEL AND PEER SUPPORT MEMBERS

- 1 This act would establish a testimonial privilege for communications with critical incident
- 2 stress management peer support personnel.
- 3 This act would take effect upon passage.

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