

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2012

—————
A N A C T

RELATING TO MILITARY AFFAIRS AND DEFENSE - EMERGENCY MANAGEMENT -
CRITICAL INCIDENT STRESS MANAGEMENT

Introduced By: Senators Lanzi, Miller, Gallo, Doyle, and Jabour

Date Introduced: January 24, 2012

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 30-15-3 of the General Laws in Chapter 30-15 entitled "Emergency
2 Management" is hereby amended to read as follows:

3 **30-15-3. Definitions.** -- As used in this chapter:

4 (1) "Disaster" means occurrence or imminent threat of widespread or severe damage,
5 injury, or loss of life or property resulting from any natural or man made cause, including but not
6 limited to:

7 (i) Fire;

8 (ii) Flood;

9 (iii) Earthquake;

10 (iv) Wind, storm, wave action, oil spill, or other water contamination requiring
11 emergency action to avert danger or damage;

12 (v) Volcanic activity;

13 (vi) Epidemic;

14 (vii) Air contamination;

15 (viii) Blight;

16 (ix) Drought;

17 (x) Infestation;

18 (xi) Explosion;

- 1 (xii) Riots;
- 2 (xiii) Hostile military or paramilitary action;
- 3 (xiv) Endangerment of the health, safety, or resources of the people of the state;
- 4 (xv) Acts of bioterrorism;
- 5 (2) "Political subdivision" means any city or town in Rhode Island;
- 6 (3) "Unorganized militia" means all able-bodied persons between the ages of sixteen (16)
- 7 and fifty (50) years; and
- 8 (4) "Bioterrorism" means the intentional use of any microorganism, virus, infectious
- 9 substance or biological product that may be engineered as a result of biotechnology or any
- 10 naturally occurring or bioengineered component of any such microorganism, virus, infectious
- 11 substance, or biological product, to cause death, disease or other biological malfunction in a
- 12 human, an animal, a plant or other living organism.
- 13 (5) "Crisis response services" means consultation, risk assessment, referral, and/or on-site
- 14 crisis intervention services provided by a Critical Incident Stress Management (CISM) team
- 15 member or peer support member to individuals affected by crisis or disaster.
- 16 (6) "Critical Incident Stress Management (CISM) Team Member" means an individual
- 17 specially trained to provide crisis response services as a member of an organized community or
- 18 local crisis response organization who holds membership within the Rhode Island Critical
- 19 Incident Stress Management Network.
- 20 (7) "Critical Incident Stress Management Network" means a connected system of
- 21 specially trained peer support members that meet the requirements of membership and
- 22 registration with the international critical incident stress foundation (ICISF).
- 23 (8) "Peer-Support Member" is an individual who is a member of a public safety or
- 24 correctional organization who provides crisis response services and peer support to other safety
- 25 service personnel. A peer support member shall be required to receive a minimum of twenty-four
- 26 (24) hours initial training in peer support services and crisis intervention, and fourteen (14) hours
- 27 of continuing education annually, through an accredited crisis response agency. Those peer
- 28 support services may, but are not limited to, including listening, assessment, intervention and
- 29 referral skills, and critical incident stress management.
- 30 (9) "Critical Incident" means a situation responded to by public safety organization
- 31 personnel which has the potential for that public safety organization personnel to experience
- 32 unusually strong emotional reactions.
- 33 (10) "Public safety organization personnel" as used in this section, means and includes
- 34 any sworn member of the Rhode Island state police, or any chief or other member of the police

1 department of any city or town regularly employed at a fixed salary or wage and any executive
2 high sheriff, sheriff, deputy sheriff, member of the fugitive task force, or capitol police officer,
3 permanent environmental police officer or criminal investigator of the department of
4 environmental management, airport police officer, public college or university police department,
5 or correctional officer, any chief or other member of the fire department or rescue personnel of
6 any city, town or fire district, paid or volunteer, any chief or other member of the crash rescue
7 section, division of airports, or department of transportation of State of Rhode Island regularly
8 employed at a fixed salary or wage; any "Fire Marshal," "Chief Fire Marshal," and "Deputy Fire
9 Marshal" mean and include the fire marshal, chief fire marshal, and deputy fire marshals
10 regularly employed by the State of Rhode Island pursuant to the provisions of chapter 28.2 of title
11 23. This shall include any civilian members of these public safety organizations listed in this
12 section.

13 (11) "Co-participants" means a public safety organization person who participates in a
14 group critical incident stress management team intervention.

15 (12) "Communication" means acquiring, recording, or transmitting any information, in
16 any manner, concerning any facts, opinions, or statements necessary to enable critical incident
17 stress management team member or peer-support member to provide appropriate crisis response
18 services.

19 SECTION 2. Chapter 30-15 of the General Laws entitled "Emergency Management" is
20 hereby amended by adding thereto the following section:

21 **30-15-44. Testimonial privilege.** – (a) Except as provided under subsection (c) a critical
22 incident stress management team member or peer-support member who, while in the course of
23 duty while providing crisis response services with any public safety organization personnel may
24 not be compelled or allowed, without the consent of the public safety organization personnel, to
25 disclose any communication made during the crisis response services provided in a legal
26 proceeding, civil or criminal, trial or investigation; civil or criminal, or administrative proceeding,
27 including administrative investigation.

28 (b) "Co-participants" Except as provided under subsection (c), a co-participant who is
29 present during the course of a crisis response service may not be compelled or allowed, without
30 the consent of the affected public safety organization personnel, to disclose any communication
31 made during the crisis response services provided in a legal proceeding, civil or criminal, trial or
32 investigation; civil or criminal, or administrative proceeding, including administrative
33 investigation.

34 (c) "Exceptions" means the testimonial privilege established in subsections (a) and (b)

1 shall not apply if any of the following apply:

2 (i) The communication indicates clear and present danger to the public safety
3 organization personnel who received crisis response services or to other individuals.

4 (ii) The public safety organization personnel who received crisis response services gives
5 express consent to the testimony.

6 (iii) The public safety organization personnel who received crisis response services is
7 deceased and the surviving spouse or the executor or administrator of the estate of the deceased
8 public safety organization personnel gives express consent.

9 SECTION 3. This act shall take effect upon passage.

=====
LC00786
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO MILITARY AFFAIRS AND DEFENSE - EMERGENCY MANAGEMENT -
CRITICAL INCIDENT STRESS MANAGEMENT

- 1 This act would create a testimonial privilege for emergency response personnel.
- 2 This act would take effect upon passage.

=====
LC00786
=====