



Senate

General Assembly

File No. 220

February Session, 2024

Senate Bill No. 342

Senate, April 3, 2024

The Committee on Public Safety and Security reported through SEN. GASTON of the 23rd Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

AN ACT CONCERNING THE CONFIDENTIALITY OF COMMUNICATIONS BETWEEN PEER SUPPORT TEAM MEMBERS AND DEPARTMENT OF CORRECTION OFFICERS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 52-146v of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2024*):

3 (a) As used in this section:

4 (1) "Peer support team member" means any person engaged in
5 directing or staffing any peer support program established by an
6 employer for the benefit of an employee who is a first responder;

7 (2) "First responder" means: Any peace officer, as defined in section
8 53a-3; any firefighter, as defined in section 7-313g; any person employed
9 as a firefighter by a private employer; any ambulance driver, emergency
10 medical responder, emergency medical technician, advanced
11 emergency medical technician or paramedic, as defined in section 19a-
12 175; [and] any telecommunicator, as defined in section 28-30; and any

13 officer of the Department of Correction; and

14 (3) "Confidential communications" means all oral and written
15 communications transmitted in confidence between a first responder
16 and a peer support team member in the course of participation in an
17 employer established peer support program and all records prepared
18 by a peer support team member related to such first responder's
19 participation in such program.

20 (b) Except as provided in subsection (d) of this section, and unless the
21 first responder making the confidential communication waives the
22 privilege, no peer support team member shall disclose any confidential
23 communications (1) to any third person, other than a person to whom
24 disclosure is reasonably necessary for the accomplishment of the
25 purposes for which such member is consulted, (2) in any civil or
26 criminal case or proceeding, or (3) in any legislative or administrative
27 proceeding.

28 (c) No person in any civil or criminal case or proceeding or in any
29 legislative or administrative proceeding may request or require
30 information from any first responder relating to the first responder's
31 participation in a peer support program, including whether or not such
32 first responder at any time participated in such peer support program.

33 (d) Consent of a first responder shall not be required for the
34 disclosure of such first responder's confidential communications:

35 (1) Where mandated by any other provision of the general statutes;

36 (2) Where a peer support team member believes in good faith that the
37 failure to disclose such confidential communications presents a clear
38 and present danger to any individual, including the first responder; and

39 (3) Where the peer support team member was a witness or party to
40 an incident that resulted in the delivery of peer support services to the
41 first responder.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2024</i>	52-146v

PS *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note**State Impact:** None**Municipal Impact:** None**Explanation**

The bill makes oral and written communications between Department of Correction officers and a peer support team member confidential resulting in no fiscal impact to the state.

The Out Years**State Impact:** None**Municipal Impact:** None

OLR Bill Analysis**SB 342*****AN ACT CONCERNING THE CONFIDENTIALITY OF COMMUNICATIONS BETWEEN PEER SUPPORT TEAM MEMBERS AND DEPARTMENT OF CORRECTION OFFICERS.*****SUMMARY**

This bill extends to all Department of Correction (DOC) officers existing provisions that make oral and written communications between a first responder and a peer support team member confidential with certain exceptions. It does this by adding DOC officers to a statutory definition of the term “first responder,” hence adding them to the list of persons to whom these provisions apply. (These provisions already apply to some DOC officials but only those who are authorized to make arrests in a correctional institution or facility because they are “peace officers” and therefore considered “first responders” under existing law.)

By law, the confidentiality protection applies only to (1) communications made in confidence in the course of a first responder’s participation in a peer support program established by his or her employer and (2) all records prepared by a team member related to a first responder’s program participation. Existing law generally prohibits a peer support team member from disclosing those communications unless the first responder waives the privilege. (A “peer support team member” is any person who directs or staffs any employer-established peer support program for first responders.)

EFFECTIVE DATE: July 1, 2024

FIRST RESPONDERS

Under current law, “first responder” means:

1. certain peace officers and firefighters (see BACKGROUND);
2. privately employed firefighters;
3. ambulance drivers;
4. certified emergency medical responders, emergency medical technicians, or advanced emergency medical technicians;
5. licensed paramedics; and
6. telecommunication operators employed by a public or private safety agency whose primary responsibilities are to process emergency calls, dispatch emergency services, and disseminate emergency information.

The bill expands this list of professionals to include all DOC officers.

DISCLOSURE PROHIBITIONS

Existing law generally prohibits a peer support team member from disclosing confidential communications to any third party and in any civil, criminal, legislative, or administrative proceeding. It also prohibits anyone in those proceedings from requesting or requiring a first responder to provide information about his or her participation in a peer support program, including whether the first responder was ever in such a program. The bill extends these confidentiality protections to all DOC officers.

DISCLOSURE EXCEPTIONS

By law, a peer support team member may disclose confidential communications to a third party when it is reasonably necessary for the team member to accomplish the purpose for which he or she was consulted. Additionally, peer support team members do not need a first responder's consent to disclose these communications under the following circumstances:

1. when statutorily mandated to do so;

2. if they believe in good faith that failure to disclose would present a clear and present danger to someone, including the first responder; and
3. if they were witnesses or parties to an incident that resulted in the delivery of peer support services to the first responder.

Under the bill, these exceptions also apply to communications between any DOC officer and a peer support team member.

BACKGROUND

Peace Officers

By law, the following individuals are designated peace officers: state and local police, Division of Criminal Justice inspectors, state marshals exercising statutory powers, judicial marshals performing their duties, conservation or special conservation officers, constables who perform criminal law enforcement duties, appointed special policemen, adult probation officers, DOC officials authorized to make arrests in a correctional institution or facility, investigators in the State Treasurer's Office, certified Department of Motor Vehicles inspectors, U.S. marshals and deputy marshals, U.S. special agents authorized to enforce federal food and drug laws, and certified police officers of a law enforcement unit created and governed under a state-tribal memorandum (CGS § 53a-3(9)).

Firefighters

By law, the following individuals are designated firefighters: any (1) uniformed member of a paid municipal, state, or volunteer fire department and (2) local fire marshal, deputy fire marshal, fire investigator, fire inspector, and certain other classes of inspectors and investigators (CGS § 7-313g).

Related Bill

HB 5283 (File 172), favorably reported by the Public Safety and Security Committee, expands the above definition of "peace officer" to include parole officers. Parole officers are DOC employees who

supervise inmates in the community after they are released from prison on parole or another prison release program. As such, under this bill, DOC parole officers would get existing law's confidentiality protections for first responders.

COMMITTEE ACTION

Public Safety and Security Committee

Joint Favorable

Yea 25 Nay 0 (03/19/2024)