

**SENATE
STATE OF MINNESOTA
NINETY-FIRST SESSION**

S.F. No. 3836

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DATE	D-PG	OFFICIAL STATUS
03/02/2020	5118	Introduction and first reading Referred to Judiciary and Public Safety Finance and Policy

1.1 A bill for an act

1.2 relating to public safety; limiting admissibility of statements made during public

1.3 safety peer support activity and critical incident stress management services;

1.4 amending Minnesota Statutes 2018, section 181.973; proposing coding for new

1.5 law in Minnesota Statutes, chapter 181.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. Minnesota Statutes 2018, section 181.973, is amended to read:

1.8 **181.973 PUBLIC SAFETY PEER COUNSELING AND DEBRIEFING SUPPORT**

1.9 **ACTIVITY.**

1.10 (a) A person engaged participating in a public safety peer counseling or a public safety

1.11 peer debriefing support activity shall not, without the permission of the person being

1.12 debriefed or counseled, be allowed to supported disclose any information or opinion which

1.13 that the peer group member or peer counselor participant has acquired during the peer

1.14 support activity process. However, This paragraph does not prohibit a peer counselor support

1.15 provider from disclosing information the peer counselor provider reasonably believes

1.16 indicates that the person being supported may be a danger to self or others, if the information

1.17 is used only for the purpose of eliminating the danger to the person or others. Any information

1.18 or opinion disclosed in violation of this paragraph is not admissible as evidence in any

1.19 criminal, civil, personnel, or occupational licensing matter involving the person being

1.20 debriefed or counseled supported. For purposes of this paragraph, a "peer support provider"

1.21 means someone trained in peer-to-peer emotional and psychological support and coaching

1.22 techniques who is designated by a formal program within a public safety agency to provide

1.23 support services.

2.1 (b) A statement made by a person being supported during public safety peer support
 2.2 activity is not admissible in any criminal, civil, or administrative proceeding.

2.3 (c) For purposes of this section, "public safety peer ~~counseling or debriefing~~ support
 2.4 activity" means a group process oriented debriefing session, or one-to-one contact with a
 2.5 trained peer counselor, held for peace officers, correctional officers, firefighters, ~~medical~~
 2.6 rescue squad members, emergency ~~persons~~ medical services providers, dispatchers, hospital
 2.7 or emergency medical clinic personnel, or other persons involved with public safety
 2.8 emergency services, that is established by any agency providing public safety emergency
 2.9 services and is designed to help a person who has suffered an occupation-related trauma,
 2.10 illness, or stress response begin the process of healing and ~~effectively dealing with~~ recovery
 2.11 from the person's ~~problems~~ reactions or the use of the peer ~~counselor~~ support program for
 2.12 direction with referrals to better service these occupation-related issues. A "~~peer counselor~~"
 2.13 means someone so designated by that agency.

2.14 **Sec. 2. [181.9731] CRITICAL INCIDENT STRESS MANAGEMENT.**

2.15 Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms have
 2.16 the meanings given.

2.17 (b) "Crisis intervention services" means consultation, one-on-one peer counseling,
 2.18 coaching, debriefings, defusings, management, prevention, referral suicide and posttraumatic
 2.19 stress prevention, or resilience education and training provided by a critical incident stress
 2.20 management team member or participant. Crisis intervention services may include peer
 2.21 support activity under section 181.973.

2.22 (c) "Critical incident" means an event that results in acute or cumulative psychological
 2.23 stress or trauma to an emergency service provider as a result of the provider's response to
 2.24 the event.

2.25 (d) "Critical incident stress management" means a set of crisis intervention services for
 2.26 emergency service providers to assist in coping with the stress and potential psychological
 2.27 trauma resulting from a response to emotionally difficult events.

2.28 (e) "Emergency service provider" includes a peace officer, correctional officer, firefighter,
 2.29 rescue squad member, dispatcher, hospital or emergency medical clinic personnel, or other
 2.30 person involved with public safety emergency services, either paid or volunteer.

2.31 (f) "Critical incident stress management team" means a group organized to provide
 2.32 career-related stress management to emergency service providers. A critical incident stress

3.1 management team may include peers members from any emergency service discipline,
3.2 mental health professionals, and designated emergency service chaplains.

3.3 Subd. 2. **Disclosure prohibited; exception.** (a) A critical incident stress management
3.4 team member, mental health provider, participant, or any other person involved in the
3.5 provision or receipt of crisis intervention services must not disclose any information obtained
3.6 solely through the provision of or receipt of such services to a third party.

3.7 (b) A critical incident stress management team member or a mental health provider
3.8 involved in the provision or receipt of crisis intervention services may disclose information
3.9 if the member or provider reasonably believes the disclosure is necessary to prevent harm
3.10 to the person in receipt of services or to prevent harm to another person.

3.11 Subd. 3. **Inadmissibility.** Any statement made during the provision or receipt of critical
3.12 incident stress management is not admissible in an administrative, civil, or criminal
3.13 proceeding.