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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

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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: Senators DiPalma, F Lombardi, and Archambault

Date Introduced: March 17, 2022

Referred To: Senate 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.**

7 As used in this chapter:

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

11 (2) "Co-participant" means a public safety organization person who participates in a group
12 critical incident stress management team intervention.

13 (3) "Crisis response services" means defusing, debriefing, consultation, risk assessment,
14 referral, and/or on-site crisis intervention services provided by a critical incident stress management
15 team member or peer support member to individuals affected by crisis or disaster.

16 (4) "Critical incident" means a situation responded to by the public safety organization
17 personnel which has the potential for that public safety organization personnel to experience
18 unusually strong emotional reactions.

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

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

8 (7) "Peer Support member" means an individual who is a member of a public safety or
9 correctional organization active or retired who provides crisis response services and peer support
10 to other safety service personnel. A peer support member shall be required to receive a minimum
11 of twenty-four (24) hours initial training in peer support services and crisis intervention, and eight
12 (8) hours of continuing education annually, through an accredited crisis response agency. Those
13 peer support services may include, but are not limited to, listening, assessment, intervention and
14 referral skills, and critical incident stress management.

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

29 **42-28.6.1-2. Testimonial privilege.**

30 (a) Except as provided under subsection (c) of this section a critical incident stress
31 management team member or peer support member, while in the course of duty and providing crisis
32 response services with any public safety organization personnel, may not be compelled or allowed,
33 without the consent of the affected public safety organization personnel, to disclose any
34 communication made during the crisis response services in any legal proceeding, civil or criminal,

1 trial or investigation; civil or criminal, or administrative proceeding, including an administrative
2 investigation.

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

8 (c) Exceptions. The testimonial privilege established in this section shall not apply if any
9 one of the following conditions apply:

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

12 (2) The public safety organization personnel who received crisis response service gives
13 express written consent to the testimony; or

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

17 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 members of critical incident
2 management teams or peer support, while in the course of duty and providing crisis response
3 services not to disclose communications made during the crisis response in any civil, criminal or
4 administrative proceeding subject to certain exemptions.

5 This act would take effect upon passage.

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