



Rep. Michael J. Kelly

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10400HB4842ham001

LRB104 16619 TRT 35376 a

1 AMENDMENT TO HOUSE BILL 4842

2 AMENDMENT NO. _____. Amend House Bill 4842 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The First Responders Suicide Prevention Act is
5 amended by changing Section 20 and by adding Section 23 as
6 follows:

7 (5 ILCS 840/20)

8 Sec. 20. Confidentiality; exemptions.

9 (a) Any communication made by an employee of an emergency
10 services provider or law enforcement agency or peer support
11 advisor in a peer support counseling session and any oral or
12 written information conveyed in the peer support counseling
13 session is confidential and may not be disclosed by any person
14 participating in the peer support counseling session and shall
15 not be released to any person or entity.

16 (b) Any communication relating to a peer support

1 counseling session made confidential under this Section that
2 is made between peer support advisors and the supervisors or
3 staff of a peer support counseling program, or between the
4 supervisor or staff of a peer support counseling program, is
5 confidential and may not be disclosed.

6 (c) This Section does not prohibit any communications
7 between counselors who conduct peer support counseling
8 sessions or any communications between counselors and the
9 supervisors or staff of a peer support counseling program.

10 (c-5) Any communication described in subsection (a) or (b)
11 is subject to subpoena for good cause shown.

12 (d) The privileges established under this Section do not
13 apply if any of the following occur:

14 (1) the communication indicates an intent to engage in
15 conduct likely to result in imminent death or serious
16 physical injury to the participant or another individual;

17 (2) the person receiving the peer support counseling
18 session discloses information that is required to be
19 reported under the mandated reporting laws, including, but
20 not limited to, the reporting of maltreatment of minors,
21 the reporting of maltreatment of vulnerable adults,
22 provided the disclosure is only for the purpose of
23 reporting maltreatment and limited to information
24 necessary to make such a report;

25 (3) the participant expressly waives the privilege or
26 gives consent to disclosure of the privileged

1 communication;

2 (4) the participant is deceased and the surviving
3 spouse or the executor or administrator of the estate of
4 the deceased participant expressly waives the privilege or
5 gives consent to disclosure of the privileged
6 communication; or

7 (5) the participant sought or obtained the peer
8 support counseling services to enable or aid anyone to
9 commit or plan to commit what the participant knew, or
10 reasonably should have known, was a crime, or fraud. This
11 Section does not apply to:

12 ~~(1) any threat of suicide or homicide made by a~~
13 ~~participant in a peer support counseling session or any~~
14 ~~information conveyed in a peer support counseling session~~
15 ~~related to a threat of suicide or homicide;~~

16 ~~(2) any information mandated by law or agency policy~~
17 ~~to be reported, including, but not limited to, domestic~~
18 ~~violence, child abuse or neglect, or elder abuse or~~
19 ~~neglect;~~

20 ~~(3) any admission of criminal conduct; or~~

21 ~~(4) an admission or act of refusal to perform duties~~
22 ~~to protect others or the employee of the emergency~~
23 ~~services provider or law enforcement agency.~~

24 (e) All communications, notes, records, and reports
25 arising out of a peer support counseling session are not
26 subject to disclosure under Section 7.5 of the Freedom of

1 Information Act.

2 (e-5) A department that establishes a peer support
3 counseling program shall develop a policy or rule that imposes
4 disciplinary measures against a peer support advisor who
5 violates the confidentiality of the peer support counseling
6 program by sharing information learned in a peer support
7 counseling session with department personnel who are not
8 supervisors or staff of the peer support counseling program,
9 unless the information is related to the exemptions in
10 subsection (d).

11 (e-10) Confidentiality protections under this Act apply
12 regardless of whether the peer support person is employed by,
13 or affiliated with, the same agency as the first responder
14 receiving support.

15 (f) A cause of action exists for public safety personnel
16 or emergency services personnel if the emergency services
17 provider or law enforcement agency uses confidential
18 information obtained during a confidential peer support
19 counseling session conducted by a law enforcement agency or by
20 an emergency services provider for an adverse employment
21 action against the participant.

22 (Source: P.A. 101-375, eff. 8-16-19.)

23 (5 ILCS 840/23 new)

24 Sec. 23. Confidentiality of critical incident stress
25 management communications.

1 (a) In this Section:

2 "Civilian employee" means an employee of a law
3 enforcement, fire, or emergency medical services agency who is
4 not a first responder.

5 "Critical incident" means an event that results in acute
6 or cumulative psychological stress or trauma to an emergency
7 service provider. "Critical incident" includes, but is not
8 limited to, an encounter that may result in the death of or
9 serious injury to another person or the imminent potential of
10 such death or serious bodily injury, a fatal motor vehicle
11 accident, a child abuse investigation, a death investigation,
12 a large-scale, human-made or natural disaster, or situations
13 or incidents during the course of a first responder's duties
14 that cause cumulative exposure to stress.

15 "Critical incident stress management services" or "CISM
16 services" means consultation, risk assessment, education,
17 intervention, and other crisis intervention services provided
18 by a CISM team or CISM team member to a first responder,
19 civilian employee or an immediate family member of a first
20 responder or civilian employee before, during, or after a
21 critical incident.

22 "Critical incident stress management team" means a group
23 that is organized to provide critical incident stress
24 management to emergency service providers and that consists of
25 critical incident stress management team members. "Critical
26 incident stress management team" includes members from any

1 emergency service discipline, mental health professionals, and
2 designated emergency service chaplains.

3 "Critical incident stress management team member" or "CISM
4 team member" means an individual who satisfies all of the
5 following:

6 (1) is specially trained to provide CISM services to
7 assist and provide support to a first responder who has
8 been involved in a critical incident that may affect, or
9 has affected, the person's work performance or general
10 well-being; and

11 (2) meets the requirements of a nationally accredited
12 critical incident stress management organization or
13 network.

14 "First responders" means federal, State, and local law
15 enforcement officers, fire and emergency medical services
16 personnel, hazardous materials response team members, 9-1-1
17 dispatchers, chaplains, or any individuals who are responsible
18 for the protection and preservation of life, property, and
19 evidence and who have been sent or directed to respond to a
20 request for assistance as a result of a critical incident.

21 "Immediate family member" means a spouse, dating partner,
22 person with a child in common, parent, child, step-relative,
23 and people sharing a dwelling.

24 "Participant" means any of the following:

25 (1) a first responder who obtains or has obtained CISM
26 services or wellness program services;

1 (2) a first responder's immediate family member who
2 obtains or has obtained wellness program services;

3 (3) a civilian employee who obtains or has obtained
4 wellness program services; or

5 (4) a civilian employee's immediate family member who
6 obtains or has obtained wellness program services.

7 "Trained peer support member" means a first responder who
8 is designated as a peer support member by a State, county, or
9 municipal law enforcement, fire, or emergency medical services
10 agency and who is specially trained to provide a participant
11 with wellness program services.

12 "Wellness program" means a voluntary and comprehensive
13 health initiative designed to improve the well-being of
14 participants through the use of trained peer support members.

15 "Wellness program services" means any one or more of the
16 following services provided through a wellness program:

17 (1) counseling;

18 (2) spiritual guidance; and

19 (3) education about financial resources, health
20 resources, legal assistance, and stress management
21 services.

22 (b) Except as provided in subsection (d) of this Section,
23 all proceedings, communications, and records, including any
24 information acquired by a CISM team, CISM team member, or
25 trained peer support member from a participant, are
26 confidential. A CISM team member or trained peer support

1 member may not be compelled to disclose the proceedings,
2 communications, or records, including any information
3 acquired, through compulsory legal process, and the
4 confidential proceedings, communications, records, and
5 information under this subsection (b) are not discoverable or
6 admissible in evidence in any action, including any legal
7 proceeding, trial, or investigation unless the confidentiality
8 is waived by the affected participant.

9 (c) The privileges in subsection (b) of this Section apply
10 only if the proceedings, communications, or records, including
11 information acquired, are obtained during the provision of
12 CISM services or wellness program services.

13 (d) The privileges established under subsection (b) of
14 this Section do not apply if any of the following occur:

15 (1) the communication indicates an intent to engage in
16 conduct likely to result in imminent death or serious
17 physical injury to the participant or another individual;

18 (2) the person receiving critical incident stress
19 management services discloses information that is required
20 to be reported under the mandated reporting laws,
21 including, but not limited to, the reporting of
22 maltreatment of minors or the reporting of maltreatment of
23 vulnerable adults, provided the disclosure is only for the
24 purpose of reporting maltreatment and limited to
25 information necessary to make such a report;

26 (3) the participant expressly waives the privilege or

1 gives consent to disclosure of the privileged
2 communication;

3 (4) the participant is deceased and the surviving
4 spouse or the executor or administrator of the estate of
5 the deceased participant expressly waives the privilege or
6 gives consent to disclosure of the privileged
7 communication; or

8 (5) the participant sought or obtained the CISM
9 services or wellness program services to enable or aid
10 anyone to commit or plan to commit what the participant
11 knew, or reasonably should have known, was a fraud or
12 other crime.

13 (e) Information otherwise available from the original
14 source is not privileged from discovery or use in any civil or
15 criminal action merely because the information was disclosed
16 by a participant during CISM services or wellness program
17 services if the disclosure of the information sought is
18 otherwise permissible and the information is otherwise
19 discoverable."