

1 AN ACT concerning government.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

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  
17 counseling session made confidential under this Section that  
18 is made between peer support advisors and the supervisors or  
19 staff of a peer support counseling program, or between the  
20 supervisor or staff of a peer support counseling program, is  
21 confidential and may not be disclosed.

22 (c) This Section does not prohibit any communications  
23 between counselors who conduct peer support counseling

1 sessions or any communications between counselors and the  
2 supervisors or staff of a peer support counseling program.

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

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

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

10 (2) the person receiving the peer support counseling  
11 session discloses information that is required to be  
12 reported under the mandated reporting laws, including, but  
13 not limited to, the reporting of maltreatment of minors,  
14 the reporting of maltreatment of vulnerable adults,  
15 provided the disclosure is only for the purpose of  
16 reporting maltreatment and limited to information  
17 necessary to make such a report;

18 (3) the participant expressly waives the privilege or  
19 gives consent to disclosure of the privileged  
20 communication;

21 (4) the participant is deceased and the surviving  
22 spouse or the executor or administrator of the estate of  
23 the deceased participant expressly waives the privilege or  
24 gives consent to disclosure of the privileged  
25 communication; or

26 (5) the participant sought or obtained the peer

1       support counseling services to enable or aid anyone to  
2       commit or plan to commit what the participant knew, or  
3       reasonably should have known, was a crime or fraud. This  
4       ~~Section does not apply to:~~

5           ~~(1) any threat of suicide or homicide made by a~~  
6           ~~participant in a peer support counseling session or any~~  
7           ~~information conveyed in a peer support counseling session~~  
8           ~~related to a threat of suicide or homicide;~~

9           ~~(2) any information mandated by law or agency policy~~  
10          ~~to be reported, including, but not limited to, domestic~~  
11          ~~violence, child abuse or neglect, or elder abuse or~~  
12          ~~neglect;~~

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

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

17       (e) All communications, notes, records, and reports  
18       arising out of a peer support counseling session are not  
19       subject to disclosure under Section 7.5 of the Freedom of  
20       Information Act.

21       (e-5) A department that establishes a peer support  
22       counseling program shall develop a policy or rule that imposes  
23       disciplinary measures against a peer support advisor who  
24       violates the confidentiality of the peer support counseling  
25       program by sharing information learned in a peer support  
26       counseling session with department personnel who are not

1 supervisors or staff of the peer support counseling program,  
2 unless the information is related to the exemptions in  
3 subsection (d).

4 (e-10) Confidentiality protections under this Act apply  
5 regardless of whether the peer support advisor is employed by,  
6 or affiliated with, the same agency as the first responder  
7 receiving support.

8 (f) A cause of action exists for public safety personnel  
9 or emergency services personnel if the emergency services  
10 provider or law enforcement agency uses confidential  
11 information obtained during a confidential peer support  
12 counseling session conducted by a law enforcement agency or by  
13 an emergency services provider for an adverse employment  
14 action against the participant.

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

16 (5 ILCS 840/23 new)

17 Sec. 23. Confidentiality of critical incident stress  
18 management communications.

19 (a) In this Section:

20 "Civilian employee" means an employee of a law  
21 enforcement, fire, or emergency medical services agency who is  
22 not a first responder.

23 "Critical incident" means an event that results in acute  
24 or cumulative psychological stress or trauma to emergency  
25 service personnel. "Critical incident" includes, but is not

1 limited to, an encounter that may result in the death of or  
2 serious injury to another person or the imminent potential of  
3 such death or serious bodily injury, a fatal motor vehicle  
4 accident, a child abuse investigation, a death investigation,  
5 a large-scale, human-made or natural disaster, or situations  
6 or incidents during the course of a first responder's duties  
7 that cause cumulative exposure to stress.

8 "Critical incident stress management services" or "CISM  
9 services" means consultation, risk assessment, education,  
10 intervention, and other crisis intervention services provided  
11 by a CISM team or CISM team member to a first responder,  
12 civilian employee or an immediate family member of a first  
13 responder or civilian employee before, during, or after a  
14 critical incident.

15 "Critical incident stress management team" means a group  
16 that is organized to provide critical incident stress  
17 management to emergency service providers and that consists of  
18 critical incident stress management team members. "Critical  
19 incident stress management team" includes members from any  
20 emergency service discipline, mental health professionals, and  
21 designated emergency service chaplains.

22 "Critical incident stress management team member" or "CISM  
23 team member" means an individual who satisfies all of the  
24 following:

25 (1) is specially trained to provide CISM services to  
26 assist and provide support to a first responder who has

1 been involved in a critical incident that may affect, or  
2 has affected, the person's work performance or general  
3 well-being; and

4 (2) meets the requirements of a nationally accredited  
5 critical incident stress management organization or  
6 network.

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

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

17 "Participant" means any of the following:

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

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

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

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

26 "Trained peer support member" means a first responder who

1 is designated as a peer support member by a State, county, or  
2 municipal law enforcement, fire, or emergency medical services  
3 agency and who is specially trained to provide a participant  
4 with wellness program services.

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

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

10 (1) counseling;

11 (2) spiritual guidance; and

12 (3) education about financial resources, health  
13 resources, legal assistance, and stress management  
14 services.

15 (b) Except as provided in subsections (c-5) and (d) of  
16 this Section, all proceedings, communications, and records,  
17 including any information acquired by a CISM team, CISM team  
18 member, or trained peer support member from a participant, are  
19 confidential. A CISM team member or trained peer support  
20 member may not be compelled to disclose the proceedings,  
21 communications, or records, including any information  
22 acquired, through compulsory legal process, and the  
23 confidential proceedings, communications, records, and  
24 information under this subsection (b) are not discoverable or  
25 admissible in evidence in any action, including any legal  
26 proceeding, trial, or investigation unless the confidentiality

1 is waived by the affected participant.

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

6 (c-5) Any communication under subsection (b) is subject to  
7 a subpoena for good cause shown.

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

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

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

21 (3) the participant expressly waives the privilege or  
22 gives consent to disclosure of the privileged  
23 communication;

24 (4) the participant is deceased and the surviving  
25 spouse or the executor or administrator of the estate of  
26 the deceased participant expressly waives the privilege or

1 gives consent to disclosure of the privileged  
2 communication; or

3 (5) the participant sought or obtained the CISM  
4 services or wellness program services to enable or aid  
5 anyone to commit or plan to commit what the participant  
6 knew, or reasonably should have known, was a fraud or  
7 other crime.

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