



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

**HB2766**

by Rep. Frances Ann Hurley

#### SYNOPSIS AS INTRODUCED:

New Act

5 ILCS 140/7.5

20 ILCS 2605/2605-99 new

50 ILCS 705/10.17-2 new

50 ILCS 740/12.2 new

Creates the First Responders Suicide Prevention Act. Provides that emergency services personnel and public safety personnel may refer any person to an employee assistance program or peer support counselor within the emergency services provider or law enforcement agency, or if those services are not available within the agency, to another employee assistance program or peer support counseling program that is available. Provides that any communication made by a participant or counselor in a peer support counseling session conducted by a law enforcement agency or by an emergency services provider for public safety personnel or emergency services personnel and any oral or written information conveyed in the peer support counseling session is confidential and may not be disclosed by any person participating in the peer support counseling session. Provides that any oral communication or written information made or conveyed by a participant or counselor in a peer support session, including an employee assistance program, is not admissible in any judicial proceeding, arbitration proceeding, or other adjudicatory proceeding. Amends the Department of State Police Law of the Civil Administrative Code of Illinois, Illinois Police Training Act, and the Illinois Fire Protection Training Act to require training programs for police and fire fighters to recognize signs of work-related cumulative stress and other related issues that may lead to suicide and offer appropriate solutions for intervention. Makes other changes. Effective immediately.

LRB101 09370 SLF 54468 b

1 AN ACT concerning first responders.

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

4 Section 1. Short title. This Act may be cited as the First  
5 Responders Suicide Prevention Act.

6 Section 5. Legislative findings. The General Assembly  
7 finds that:

8 (1) This State's first responders are tasked with work that  
9 is highly stressful where one continually faces the impact of  
10 murder, violence, accidents, serious injury, and death. The day  
11 in and day out impact of these situations wreak havoc  
12 personally and professionally on those who serve their  
13 communities. Work as a first responder is a combination of  
14 extreme boredom with incidents of mind-numbing terror. No  
15 person, no matter how highly trained or well-adjusted, is  
16 immune to the long-term impact of cumulative stress or sudden  
17 critical incidents.

18 (2) Since September 11, 2001, the role of first responders  
19 has changed dramatically. First responders have become the  
20 teachers, advocates, counselors, enforcement, and safety to  
21 those they serve, yet year after year, police and fire fighters  
22 always rank at the top for the most stressful jobs in this  
23 country. The demands of shift work, change in politics and

1 public policy, and having to make life changing decisions  
2 within seconds are all contributing factors in the mental  
3 health and welfare of our public servants. Alcoholism, divorce,  
4 depression, post-traumatic stress disorder (PTSD),  
5 stress-related health issues, and suicide among first  
6 responders are constantly well above the national average. The  
7 health and well-being of first responders not only affect the  
8 officer or fire fighter, but those who work closely around the  
9 first responder and the public he or she serves and protects.

10 (3) The purpose of this Act is to allow agencies to train  
11 personnel in peer counseling. This allows fire fighters and law  
12 enforcement officers to have access to trained persons within  
13 their respective fields to speak to and seek guidance during  
14 difficult and challenging times in their careers and lives.  
15 Most first responders feel comfortable speaking to others  
16 within their profession that have experienced similar  
17 situations. Allowing this type of counseling gives public  
18 servants the ability to seek help during trying times with the  
19 confidence of knowing their issue is held in confidence with  
20 someone who understands. No longer should these public servants  
21 have to suffer in silence.

22 (4) Maintaining an emotional and mentally healthy class of  
23 first responders should be a priority goal to achieve. Healthy  
24 fire fighters and police make better decisions, increase  
25 productivity, create better work environments, and respond to  
26 society in a much more open and effective manner.

1 Section 10. Definitions. In this Act:

2 "Emergency services provider" means any public employer  
3 that employs persons to provide fire fighting services.

4 "Emergency services personnel" means any employee of an  
5 emergency services provider who is engaged in providing fire  
6 fighting services.

7 "Employee assistance program" means a program established  
8 by a law enforcement agency or emergency services provider to  
9 provide counseling support services to employees of the law  
10 enforcement agency or emergency services provider, including  
11 peer support counselors who have received training in  
12 counseling and moral support.

13 "Law enforcement agency" means any county sheriff,  
14 municipal police department, police department established by  
15 a university, Department of State Police, Department of  
16 Corrections, Department of Children and Family Services,  
17 Division of Probation Services of the Supreme Court, the Office  
18 of the Statewide 9-1-1 Administrator, and other local or county  
19 agency comprised of county probation officers, corrections  
20 employees, or 9-1-1 telecommunicators or emergency medical  
21 dispatchers.

22 "Peer support counseling session" means communication with  
23 a counselor through an employee assistance program or a trained  
24 peer support counselor designated by the emergency services  
25 provider or law enforcement agency.

1 "Public safety personnel" means any employee of a law  
2 enforcement agency.

3 Section 15. Establishment of employee assistance program;  
4 applicability.

5 (a) This Act applies to peer support counseling sessions  
6 conducted by an employee or other person who:

7 (1) has been designated by a law enforcement agency or  
8 emergency services provider or by an employee assistance  
9 program to act as a counselor; and

10 (2) has received training in counseling to provide  
11 emotional and moral support to public safety personnel or  
12 emergency services personnel who have been involved in  
13 emotionally traumatic incidents by reason of their  
14 employment that may affect their ability to execute their  
15 respective duties.

16 (b) An emergency services provider or law enforcement  
17 agency may establish an employee assistance program to assist  
18 emergency services personnel and public safety personnel,  
19 including designating a person within the emergency services  
20 provider or law enforcement agency to act as a peer support  
21 counselor. An emergency services provider or law enforcement  
22 agency shall give appropriate training in counseling to provide  
23 emotional and moral support to persons designated as a peer  
24 support counselor. Emergency services personnel and public  
25 safety personnel may refer any person to an employee assistance

1 program or peer support counselor within the emergency services  
2 provider or law enforcement agency, or if those services are  
3 not available within the agency, to another employee assistance  
4 program or peer support counseling program that is available.

5 Section 20. Confidentiality; exemptions.

6 (a) Any communication made by a participant or counselor in  
7 a peer support counseling session conducted by a law  
8 enforcement agency or by an emergency services provider for  
9 public safety personnel or emergency services personnel and any  
10 oral or written information conveyed in the peer support  
11 counseling session is confidential and may not be disclosed by  
12 any person participating in the peer support counseling  
13 session.

14 (b) Any communication relating to a peer support counseling  
15 session made confidential under this Section that is made  
16 between counselors, between counselors and the supervisors or  
17 staff of an employee assistance program, or between the  
18 supervisor or staff of an employee assistance program, is  
19 confidential and may not be disclosed.

20 (c) This Section does not prohibit any communications  
21 between counselors who conduct peer support counseling  
22 sessions or any communications between counselors and the  
23 supervisors or staff of an employee assistance program.

24 (d) This Section does not apply to:

25 (1) any threat of suicide or homicide made by a

1 participant in a peer counseling session or any information  
2 conveyed in a peer support counseling session related to a  
3 threat of suicide or homicide;

4 (2) any information relating to the abuse of children  
5 or of the elderly or other information that is required to  
6 be reported by law; or

7 (3) any admission of criminal conduct.

8 (e) All communications, notes, records, and reports  
9 arising out of a peer support counseling session are not  
10 subject to disclosure under Section 7.5 of the Freedom of  
11 Information Act.

12 Section 25. Judicial proceedings.

13 (a) Any oral communication or written information made or  
14 conveyed by a participant or counselor in a peer support  
15 session, including an employee assistance program, is not  
16 admissible in any judicial proceeding, arbitration proceeding,  
17 or other adjudicatory proceeding. Communications and  
18 information made confidential may not be disclosed by the  
19 participants in any judicial proceeding, administrative  
20 proceeding, arbitration proceeding, or other adjudicatory  
21 proceeding. The limitations on disclosure imposed by this  
22 Section include disclosure during any discovery conducted as a  
23 part of an adjudicatory proceeding.

24 (b) Nothing in this Section limits the discovery or  
25 introduction into evidence, knowledge acquired by any public

1 safety personnel or emergency services personnel from  
2 observations made during the course of employment or material  
3 or information acquired during the course of employment that is  
4 otherwise subject to discovery in evidence.

5 Section 105. The Freedom of Information Act is amended by  
6 changing Section 7.5 as follows:

7 (5 ILCS 140/7.5)

8 Sec. 7.5. Statutory exemptions. To the extent provided for  
9 by the statutes referenced below, the following shall be exempt  
10 from inspection and copying:

11 (a) All information determined to be confidential  
12 under Section 4002 of the Technology Advancement and  
13 Development Act.

14 (b) Library circulation and order records identifying  
15 library users with specific materials under the Library  
16 Records Confidentiality Act.

17 (c) Applications, related documents, and medical  
18 records received by the Experimental Organ Transplantation  
19 Procedures Board and any and all documents or other records  
20 prepared by the Experimental Organ Transplantation  
21 Procedures Board or its staff relating to applications it  
22 has received.

23 (d) Information and records held by the Department of  
24 Public Health and its authorized representatives relating

1 to known or suspected cases of sexually transmissible  
2 disease or any information the disclosure of which is  
3 restricted under the Illinois Sexually Transmissible  
4 Disease Control Act.

5 (e) Information the disclosure of which is exempted  
6 under Section 30 of the Radon Industry Licensing Act.

7 (f) Firm performance evaluations under Section 55 of  
8 the Architectural, Engineering, and Land Surveying  
9 Qualifications Based Selection Act.

10 (g) Information the disclosure of which is restricted  
11 and exempted under Section 50 of the Illinois Prepaid  
12 Tuition Act.

13 (h) Information the disclosure of which is exempted  
14 under the State Officials and Employees Ethics Act, and  
15 records of any lawfully created State or local inspector  
16 general's office that would be exempt if created or  
17 obtained by an Executive Inspector General's office under  
18 that Act.

19 (i) Information contained in a local emergency energy  
20 plan submitted to a municipality in accordance with a local  
21 emergency energy plan ordinance that is adopted under  
22 Section 11-21.5-5 of the Illinois Municipal Code.

23 (j) Information and data concerning the distribution  
24 of surcharge moneys collected and remitted by carriers  
25 under the Emergency Telephone System Act.

26 (k) Law enforcement officer identification information

1 or driver identification information compiled by a law  
2 enforcement agency or the Department of Transportation  
3 under Section 11-212 of the Illinois Vehicle Code.

4 (l) Records and information provided to a residential  
5 health care facility resident sexual assault and death  
6 review team or the Executive Council under the Abuse  
7 Prevention Review Team Act.

8 (m) Information provided to the predatory lending  
9 database created pursuant to Article 3 of the Residential  
10 Real Property Disclosure Act, except to the extent  
11 authorized under that Article.

12 (n) Defense budgets and petitions for certification of  
13 compensation and expenses for court appointed trial  
14 counsel as provided under Sections 10 and 15 of the Capital  
15 Crimes Litigation Act. This subsection (n) shall apply  
16 until the conclusion of the trial of the case, even if the  
17 prosecution chooses not to pursue the death penalty prior  
18 to trial or sentencing.

19 (o) Information that is prohibited from being  
20 disclosed under Section 4 of the Illinois Health and  
21 Hazardous Substances Registry Act.

22 (p) Security portions of system safety program plans,  
23 investigation reports, surveys, schedules, lists, data, or  
24 information compiled, collected, or prepared by or for the  
25 Regional Transportation Authority under Section 2.11 of  
26 the Regional Transportation Authority Act or the St. Clair

1 County Transit District under the Bi-State Transit Safety  
2 Act.

3 (q) Information prohibited from being disclosed by the  
4 Personnel Record ~~Records~~ Review Act.

5 (r) Information prohibited from being disclosed by the  
6 Illinois School Student Records Act.

7 (s) Information the disclosure of which is restricted  
8 under Section 5-108 of the Public Utilities Act.

9 (t) All identified or deidentified health information  
10 in the form of health data or medical records contained in,  
11 stored in, submitted to, transferred by, or released from  
12 the Illinois Health Information Exchange, and identified  
13 or deidentified health information in the form of health  
14 data and medical records of the Illinois Health Information  
15 Exchange in the possession of the Illinois Health  
16 Information Exchange Authority due to its administration  
17 of the Illinois Health Information Exchange. The terms  
18 "identified" and "deidentified" shall be given the same  
19 meaning as in the Health Insurance Portability and  
20 Accountability Act of 1996, Public Law 104-191, or any  
21 subsequent amendments thereto, and any regulations  
22 promulgated thereunder.

23 (u) Records and information provided to an independent  
24 team of experts under the Developmental Disability and  
25 Mental Health Safety Act (also known as Brian's Law).

26 (v) Names and information of people who have applied

1 for or received Firearm Owner's Identification Cards under  
2 the Firearm Owners Identification Card Act or applied for  
3 or received a concealed carry license under the Firearm  
4 Concealed Carry Act, unless otherwise authorized by the  
5 Firearm Concealed Carry Act; and databases under the  
6 Firearm Concealed Carry Act, records of the Concealed Carry  
7 Licensing Review Board under the Firearm Concealed Carry  
8 Act, and law enforcement agency objections under the  
9 Firearm Concealed Carry Act.

10 (w) Personally identifiable information which is  
11 exempted from disclosure under subsection (g) of Section  
12 19.1 of the Toll Highway Act.

13 (x) Information which is exempted from disclosure  
14 under Section 5-1014.3 of the Counties Code or Section  
15 8-11-21 of the Illinois Municipal Code.

16 (y) Confidential information under the Adult  
17 Protective Services Act and its predecessor enabling  
18 statute, the Elder Abuse and Neglect Act, including  
19 information about the identity and administrative finding  
20 against any caregiver of a verified and substantiated  
21 decision of abuse, neglect, or financial exploitation of an  
22 eligible adult maintained in the Registry established  
23 under Section 7.5 of the Adult Protective Services Act.

24 (z) Records and information provided to a fatality  
25 review team or the Illinois Fatality Review Team Advisory  
26 Council under Section 15 of the Adult Protective Services

1 Act.

2 (aa) Information which is exempted from disclosure  
3 under Section 2.37 of the Wildlife Code.

4 (bb) Information which is or was prohibited from  
5 disclosure by the Juvenile Court Act of 1987.

6 (cc) Recordings made under the Law Enforcement  
7 Officer-Worn Body Camera Act, except to the extent  
8 authorized under that Act.

9 (dd) Information that is prohibited from being  
10 disclosed under Section 45 of the Condominium and Common  
11 Interest Community Ombudsperson Act.

12 (ee) Information that is exempted from disclosure  
13 under Section 30.1 of the Pharmacy Practice Act.

14 (ff) Information that is exempted from disclosure  
15 under the Revised Uniform Unclaimed Property Act.

16 (gg) Information that is prohibited from being  
17 disclosed under Section 7-603.5 of the Illinois Vehicle  
18 Code.

19 (hh) Records that are exempt from disclosure under  
20 Section 1A-16.7 of the Election Code.

21 (ii) Information which is exempted from disclosure  
22 under Section 2505-800 of the Department of Revenue Law of  
23 the Civil Administrative Code of Illinois.

24 (jj) Information and reports that are required to be  
25 submitted to the Department of Labor by registering day and  
26 temporary labor service agencies but are exempt from

1 disclosure under subsection (a-1) of Section 45 of the Day  
2 and Temporary Labor Services Act.

3 (kk) Information prohibited from disclosure under the  
4 Seizure and Forfeiture Reporting Act.

5 (ll) Information the disclosure of which is restricted  
6 and exempted under Section 5-30.8 of the Illinois Public  
7 Aid Code.

8 (mm) ~~(ll)~~ Records that are exempt from disclosure under  
9 Section 4.2 of the Crime Victims Compensation Act.

10 (nn) ~~(ll)~~ Information that is exempt from disclosure  
11 under Section 70 of the Higher Education Student Assistance  
12 Act.

13 (oo) Communications, notes, records, and reports  
14 arising out of a peer support counseling session prohibited  
15 from disclosure under the First Responders Suicide  
16 Prevention Act.

17 (Source: P.A. 99-78, eff. 7-20-15; 99-298, eff. 8-6-15; 99-352,  
18 eff. 1-1-16; 99-642, eff. 7-28-16; 99-776, eff. 8-12-16;  
19 99-863, eff. 8-19-16; 100-20, eff. 7-1-17; 100-22, eff. 1-1-18;  
20 100-201, eff. 8-18-17; 100-373, eff. 1-1-18; 100-464, eff.  
21 8-28-17; 100-465, eff. 8-31-17; 100-512, eff. 7-1-18; 100-517,  
22 eff. 6-1-18; 100-646, eff. 7-27-18; 100-690, eff. 1-1-19;  
23 100-863, eff. 8-14-18; 100-887, eff. 8-14-18; revised  
24 10-12-18.)

25 Section 110. The Department of State Police Law of the

1 Civil Administrative Code of Illinois is amended by adding  
2 Section 2605-99 as follows:

3 (20 ILCS 2605/2605-99 new)

4 Sec. 2605-99. Training; suicide prevention. The  
5 Department, in consultation with a statewide association who  
6 represents public pension funds under Article 3 and Article 4  
7 of the Illinois Pension Code, shall conduct or approve a 2-day  
8 in-service training program for State Police officers in  
9 job-related stress management and suicide prevention. The  
10 in-service training program shall train State Police officers  
11 to recognize signs of work-related cumulative stress and other  
12 related issues that may lead to suicide and offer appropriate  
13 solutions for intervention. This in-service training program  
14 shall be completed every 2 years by each State Police officer.  
15 The Department shall establish the training program on or  
16 before January 1, 2020.

17 Section 115. The Illinois Police Training Act is amended by  
18 adding Section 10.17-2 as follows:

19 (50 ILCS 705/10.17-2 new)

20 Sec. 10.17-2. Training; suicide prevention. The Board, in  
21 consultation with a statewide association who represents  
22 public pension funds under Article 3 and Article 4 of the  
23 Illinois Pension Code, shall conduct or approve a 2-day

1 in-service training program for law enforcement officers in  
2 job-related stress management and suicide prevention. The  
3 in-service training program shall train law enforcement  
4 officers of local government agencies to recognize signs of  
5 work-related cumulative stress and other related issues that  
6 may lead to suicide and offer appropriate solutions for  
7 intervention. This in-service training program shall be  
8 completed every 2 years by each local law enforcement officer.  
9 The Board shall establish the training program on or before  
10 January 1, 2020.

11 Section 120. The Illinois Fire Protection Training Act is  
12 amended by adding Section 12.2 as follows:

13 (50 ILCS 740/12.2 new)

14 Sec. 12.2. Training; suicide prevention. The Office, in  
15 consultation with a statewide association who represents  
16 public pension funds under Article 3 and Article 4 of the  
17 Illinois Pension Code, shall conduct or approve a 2-day  
18 in-service training program for permanent fire protection  
19 personnel in job-related stress management and suicide  
20 prevention. The in-service training program shall train fire  
21 fighters to recognize signs of work-related cumulative stress  
22 and other related issues that may lead to suicide and offer  
23 appropriate solutions for intervention. This in-service  
24 training program shall be completed every 2 years by each

1 permanent fire protection personnel. The Office shall  
2 establish the training program on or before January 1, 2020.

3 Section 999. Effective date. This Act takes effect upon  
4 becoming law.