

Senate Study Bill 1163 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON SODDERS)

A BILL FOR

1 An Act relating to privileged communications between certain
2 peer support group counselors and officers.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 622.10, Code 2015, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 9. *a.* A peer support group counselor
4 who obtains information from an officer by reason of the
5 counselor's capacity as a peer support group counselor
6 shall not be allowed, in giving testimony, to disclose any
7 confidential communication properly entrusted to the counselor
8 by the officer while receiving counseling.

9 *b.* The prohibition in this subsection does not apply where
10 the officer has consented to the disclosure of the information
11 specified in paragraph "a" or where the peer support group
12 counselor was an initial responding officer, a witness, or
13 a party to the incident which prompted the delivery of peer
14 support group counseling services to the officer.

15 *c.* For purposes of this subsection:

16 (1) "*Officer*" means a certified law enforcement officer,
17 fire fighter, emergency medical technician, paramedic,
18 corrections officer, detention officer, jailer, probation
19 or parole officer, communications officer, dispatcher, or
20 any other law enforcement officer certified by the Iowa law
21 enforcement academy and employed by a city, county, or state
22 agency.

23 (2) "*Peer support group counselor*" means a law enforcement
24 officer, fire fighter, civilian employee of a law enforcement
25 agency or fire department, or a nonemployee counselor who
26 has been designated as a peer support group counselor by a
27 sheriff, police chief, fire chief, or department head of a
28 law enforcement agency, fire department, or emergency medical
29 services agency and who has received training to provide
30 emotional and moral support and counseling to an officer who
31 needs those services as a result of an incident in which the
32 officer was involved while acting in the officer's official
33 capacity.

34

EXPLANATION

35 The inclusion of this explanation does not constitute agreement with

1 the explanation's substance by the members of the general assembly.

2 This bill relates to privileged communications between
3 certain peer support group counselors and officers.

4 The bill provides that a peer support group counselor
5 who obtains information from an officer by reason of the
6 counselor's capacity as a peer support group counselor
7 shall not be allowed, in giving testimony, to disclose any
8 confidential communications properly entrusted to the counselor
9 by the officer while receiving counseling. The bill creates
10 exceptions in cases where the officer has given the officer's
11 consent to the disclosure of such information and where the
12 peer support group counselor was an initial responding officer,
13 a witness, or a party to the incident which prompted the
14 delivery of counseling services.

15 The bill defines "officer" as a certified law enforcement
16 officer, fire fighter, emergency medical technician, paramedic,
17 corrections officer, detention officer, jailer, probation
18 or parole officer, communications officer, dispatcher, or
19 any other law enforcement officer certified by the Iowa law
20 enforcement academy and employed by a city, county, or state
21 agency.

22 The bill defines "peer support group counselor" as a law
23 enforcement officer, fire fighter, civilian employee of a
24 law enforcement agency or fire department, or a nonemployee
25 counselor who has been designated as a peer support group
26 counselor by a sheriff, police chief, fire chief, or department
27 head of a law enforcement agency, fire department, or emergency
28 medical services agency and who has received training to
29 provide emotional and moral support and counseling to an
30 officer who needs those services as a result of an incident in
31 which the officer was involved while acting in the officer's
32 official capacity.