

House File 2637 - Introduced

HOUSE FILE 2637
BY COMMITTEE ON PUBLIC SAFETY

(SUCCESSOR TO HSB 652)

A BILL FOR

1 An Act relating to the confidentiality of peer support
2 communications for public safety officers and civilian
3 employees.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

unofficial

1 Section 1. Section 80F.1, Code 2026, is amended by adding the
2 following new subsection:

3 NEW SUBSECTION. 2A. This section shall not be construed to
4 require the disclosure, use, or consideration of a confidential
5 communication protected under chapter 622C in any informal
6 inquiry, formal administrative investigation, disciplinary
7 proceeding, or Brady-Giglio determination.

8 Sec. 2. Section 622.10, subsection 9, paragraph a, Code 2026,
9 is amended to read as follows:

10 a. A peer support ~~group~~ counselor or individual present for a
11 individual or group crisis intervention who obtains information
12 from an officer or a civilian employee of a law enforcement
13 agency, emergency management agency, emergency medical services
14 agency, or fire department by reason of the counselor's capacity
15 as a peer support ~~group~~ counselor or an individual's presence for
16 a individual or group crisis intervention shall not be allowed,
17 ~~in giving testimony,~~ to disclose any confidential communication
18 properly entrusted to the counselor or individual present for
19 a group crisis intervention by the officer or civilian employee
20 while receiving counseling or group crisis intervention pursuant
21 to chapter 622C except as provided pursuant to section 622C.2,
22 subsection 3.

23 Sec. 3. NEW SECTION. **622C.1 Definitions.**

24 As used in this chapter, unless the context otherwise
25 requires:

26 1. "*Civilian employee*" means an employee of a law enforcement
27 agency, emergency management agency, emergency medical services
28 agency, or fire department who is not an officer.

29 2. "*Confidential communication*" means any oral, written, or
30 recorded communication made by an officer or civilian employee to
31 a peer support counselor while receiving peer support services
32 or crisis intervention, whether the communication is made
33 individually or in a group setting.

34 3. "*Officer*" means a certified law enforcement officer, fire
35 fighter, fire marshal, emergency medical technician, paramedic,

1 medical provider, corrections officer, detention officer, jailer,
2 probation or parole officer, public safety telecommunicator,
3 dispatcher, emergency management coordinator under chapter 29C,
4 or any other public safety employee certified by the Iowa law
5 enforcement academy or state fire marshal and employed by a city,
6 county, or state agency.

7 4. "Peer support counselor" means a law enforcement officer,
8 fire fighter, emergency medical services provider, public
9 safety telecommunicator, dispatcher, civilian employee of a law
10 enforcement or fire department, or a nonemployee counselor who
11 has been designated as a peer support counselor by a sheriff,
12 police chief, fire chief, emergency medical services director, or
13 department head of a public safety agency, and who has received
14 training to provide emotional and moral support, counseling, or
15 crisis intervention to officers and civilian employees affected
16 by stress or trauma arising from official duties.

17 Sec. 4. NEW SECTION. **622C.2 Confidential peer support**
18 **communications — exceptions.**

19 1. Except as provided in subsection 3, a peer support
20 counselor or individual who is present for a confidential
21 communication from an officer or civilian employee during a peer
22 support or crisis intervention session shall not be permitted
23 to testify or otherwise disclose any confidential communication
24 properly entrusted to the peer support counselor or individual,
25 or made in the peer support counselor's or individual's presence
26 by an officer or civilian employee receiving peer support
27 services.

28 2. Except as provided in subsection 3, a confidential
29 communication obtained by a peer support counselor during the
30 provision of peer support services or by an individual present
31 for a confidential communication shall not be used or introduced
32 in any formal administrative investigation, disciplinary
33 proceeding, or Brady-Giglio disclosure or proceeding.

34 3. A peer support counselor or an individual present for
35 a confidential communication may testify or otherwise disclose

1 a confidential communication if the confidential communication
2 includes any of the following:

3 a. A plan for the commission of a crime or information
4 related to the commission of a crime by the officer or civilian
5 employee.

6 b. An explicit threat of harm to the officer, civilian
7 employee, or to another person.

8 c. Information for which disclosure is otherwise required by
9 law, including but not limited to mandatory reporting of child
10 abuse or dependent adult abuse.

11 Sec. 5. NEW SECTION. **622C.3 Construction.**

12 1. This chapter shall not be construed to limit an employer's
13 authority to direct an employee to an employee assistance program
14 or to require a fitness-for-duty evaluation.

15 2. This chapter shall be construed liberally to promote
16 candid and confidential communications during peer support
17 services for public safety professionals.

18 EXPLANATION

19 The inclusion of this explanation does not constitute agreement with
20 the explanation's substance by the members of the general assembly.

21 This bill relates to the confidentiality of peer support
22 communications for public safety officers.

23 The bill amends Code section 80F.1 (peace officer, public
24 safety, and emergency personnel bill of rights) by providing that
25 the peace officer, public safety, and emergency personnel bill of
26 rights does not require the disclosure, use, or consideration of
27 confidential peer support communications in any informal inquiry,
28 formal administrative investigation, disciplinary proceeding, or
29 Brady-Giglio determination.

30 The bill amends the current evidentiary privilege applicable
31 to peer support counselors and individuals present for individual
32 or group crisis interventions under Code section 622.10
33 (communications in professional confidence) and creates new Code
34 chapter 622C relating to the evidentiary privilege of peer
35 support communications.

1 The bill defines "civilian employee" as an employee of a
2 law enforcement agency, emergency management agency, emergency
3 medical services agency, or fire department who is not an
4 officer. The bill also defines "confidential communication",
5 "officer", and "peer support counselor".

6 The bill provides that, except as otherwise specified,
7 a peer support counselor or an individual present for
8 a confidential communication is not permitted to testify
9 or disclose confidential communications made by an officer
10 or a civilian employee during peer support or crisis
11 intervention sessions. The bill further provides that
12 confidential communications cannot be used or introduced in
13 any formal administrative investigation, disciplinary proceeding,
14 or Brady-Giglio disclosure or proceeding, except as otherwise
15 provided or as constitutionally required.

16 The bill allows peer support counselors or individuals present
17 for a confidential communication to testify or otherwise disclose
18 a confidential communication that includes a plan to commit a
19 crime or information related to the commission of a crime, a
20 threat of harm to oneself or others, or information required by
21 law to be disclosed.

22 The bill provides that new Code chapter 622C does not limit
23 an employer's authority to direct an employee to an employee
24 assistance program or to require a fitness-for-duty evaluation,
25 and the chapter is to be construed liberally to promote candid
26 and confidential communications during peer support services for
27 public safety professionals.