

SUBJECT: Allowing law enforcement agencies to establish peer assistance programs

COMMITTEE: Homeland Security and Public Safety — committee substitute recommended

VOTE: 9 ayes — Nevárez, Paul, Burns, Calanni, Clardy, Goodwin, Israel, Lang, Tinderholt

0 nays

WITNESSES: For — Joe Tinsley, Palestine Police Department; Noel Johnson, TMPA; (*Registered, but did not testify:* David Sinclair, Game Warden Peace Officers Association; Ray Hunt, Houston Police Officers Union; Alexis Tatum, Travis County Commissioners Court; Micah Harmon)

Against — None

BACKGROUND: Some have called for allowing local law enforcement agencies to establish a peer assistance program for chaplains and increase confidentiality protections.

DIGEST: CSHB 1681 would allow a local law enforcement agency to establish a peer assistance program, including a chaplain program, to provide peer counseling to the agency's eligible employees.

An eligible employee would mean one who was eligible to receive peer assistance services and whose ability to perform duties was affected by tragedy or difficulty in the employee's life.

A person who knew or suspected that an eligible employee had been affected by difficulty or tragedy could report the employee's name and any relevant information to the agency's peer assistance program. An agency that received an initial report could refer the employee to the agency's peer assistance program.

A person who in good faith reported information or took action in

connection with a peer assistance program would be immune from civil liability, and the immunity under the bill would be in addition to other immunity provided by law.

Any information, report, or record that a peer assistance program or local law enforcement agency received, gathered, or maintained under the bill would be confidential and could not be disclosed without written consent of the eligible employee. However, information confidential under the bill could be disclosed to:

- qualified personnel for bona fide research or educational purposes only after information that would identify a person was removed;
- health care personnel to whom a peer assistance program or local law enforcement agency had referred the eligible employee; or
- other health care personnel to the extent necessary to meet a health care emergency.

Rule 505, Texas Rules of Evidence relating to privilege for communications to a clergy member would apply to communication between an employee and a chaplain under a peer assistance program.

The bill would not apply to certain other peer assistance programs authorized under other law, including a group established for professionals impaired by chemical dependency on drugs or alcohol or by mental illness.

The bill would take effect September 1, 2019.