

**First Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO**

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 13-0284.01 Jerry Barry x4341

SENATE BILL 13-038

SENATE SPONSORSHIP

Balmer,

HOUSE SPONSORSHIP

Garcia,

Senate Committees
Judiciary

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE CONFIDENTIALITY OF CERTAIN COMMUNICATIONS**
102 **AMONG EMERGENCY RESPONDERS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

Current law makes certain communications between law enforcement officers and firefighters and their peer support team members confidential for purposes of testifying in court. The bill extends this confidentiality to emergency medical service providers and members of rescue units.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

SENATE
3rd Reading Unamended
February 12, 2013

SENATE
2nd Reading Unamended
February 11, 2013

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 13-90-107, **amend**
3 (1) (m) (III) (A), (1) (m) (III) (B), and (1) (m) (IV) (A); and **add** (1) (m)
4 (I.5) and (1) (m) (II) (A.5) as follows:

5 **13-90-107. Who may not testify without consent - definitions.**

6 (1) There are particular relations in which it is the policy of the law to
7 encourage confidence and to preserve it inviolate; therefore, a person
8 shall not be examined as a witness in the following cases:

9 (m) (I.5) AN EMERGENCY MEDICAL SERVICE PROVIDER OR RESCUE
10 UNIT PEER SUPPORT TEAM MEMBER SHALL NOT BE EXAMINED WITHOUT
11 THE CONSENT OF THE PERSON TO WHOM PEER SUPPORT SERVICES HAVE
12 BEEN PROVIDED AS TO ANY COMMUNICATION MADE BY THE PERSON TO
13 THE PEER SUPPORT TEAM MEMBER UNDER THE CIRCUMSTANCES DESCRIBED
14 IN SUBPARAGRAPH (III) OF THIS PARAGRAPH (m); NOR SHALL A RECIPIENT
15 OF INDIVIDUAL PEER SUPPORT SERVICES BE EXAMINED AS TO ANY SUCH
16 COMMUNICATION WITHOUT THE RECIPIENT'S CONSENT.

17 (II) For purposes of this paragraph (m):

18 (A.5) "EMERGENCY MEDICAL SERVICE PROVIDER OR RESCUE UNIT
19 PEER SUPPORT TEAM MEMBER" MEANS AN EMERGENCY MEDICAL SERVICE
20 PROVIDER, AS DEFINED IN SECTION 25-3.5-103 (8), C.R.S., A REGULAR OR
21 VOLUNTEER MEMBER OF A RESCUE UNIT, AS DEFINED IN SECTION
22 25-3.5-103 (11), C.R.S., OR OTHER PERSON WHO HAS BEEN TRAINED IN
23 PEER SUPPORT SKILLS AND WHO IS OFFICIALLY DESIGNATED BY THE
24 SUPERVISOR OF AN EMERGENCY MEDICAL SERVICE AGENCY AS DEFINED IN
25 SECTION 25-3.5-103 (11.5), C.R.S., OR A CHIEF OF A RESCUE UNIT AS A
26 MEMBER OF AN EMERGENCY MEDICAL SERVICE PROVIDER'S PEER SUPPORT

1 TEAM OR RESCUE UNIT'S PEER SUPPORT TEAM.

2 (III) The provisions of this paragraph (m) shall apply only to
3 communications made during individual interactions conducted by a peer
4 support team member:

5 (A) Acting in the person's official capacity as a law enforcement
6 or firefighter peer support team member OR AN EMERGENCY MEDICAL
7 SERVICE PROVIDER OR RESCUE UNIT PEER SUPPORT TEAM MEMBER; and

8 (B) Functioning within the written peer support guidelines that are
9 in effect for the person's respective law enforcement agency, ~~or~~ fire
10 department, EMERGENCY MEDICAL SERVICE AGENCY, OR RESCUE UNIT.

11 (IV) This paragraph (m) shall not apply in cases in which:

12 (A) A law enforcement or firefighter peer support team member
13 OR EMERGENCY MEDICAL SERVICE PROVIDER OR RESCUE UNIT PEER
14 SUPPORT TEAM MEMBER was a witness or a party to an incident which
15 prompted the delivery of peer support services;

16 **SECTION 2. Act subject to petition - effective date.** This act
17 takes effect at 12:01 a.m. on the day following the expiration of the
18 ninety-day period after final adjournment of the general assembly (August
19 7, 2013, if adjournment sine die is on May 8, 2013); except that, if a
20 referendum petition is filed pursuant to section 1 (3) of article V of the
21 state constitution against this act or an item, section, or part of this act
22 within such period, then the act, item, section, or part will not take effect
23 unless approved by the people at the general election to be held in
24 November 2014 and, in such case, will take effect on the date of the
25 official declaration of the vote thereon by the governor.