



HOUSE BILL 661: Emergency Services Peer Counseling Privilege.

2023-2024 General Assembly

Committee:	House Judiciary 1. If favorable, re-refer to Rules, Calendar, and Operations of the House	Date:	April 26, 2023
Introduced by:	Reps. Winslow, Crutchfield, N. Jackson, Pike	Prepared by:	Brian Gwyn
Analysis of:	PCS to First Edition H661-CSBE-22		Committee Co-Counsel

OVERVIEW: *House Bill 661 would expand the scope of privileged communications applicable to peer support groups.*

The PCS would expressly apply the privileged communication provisions to corrections employees who provide or receive peer counseling.

CURRENT LAW: G.S. 8-53.10(a)(3) defines a peer counselor as any active or retired law enforcement officer, emergency personnel officer, or civilian employee of a law enforcement agency who:

- Has received training to provide emotional and moral support and counseling to client law enforcement employees, emergency personnel officers, and their immediate families.
- Was designated by the sheriff, police chief, or other head of a law enforcement or emergency agency to counsel a client law enforcement employee.

G.S. 8-53.10(a)(4) defines privileged communication as any communication made by a client law enforcement employee, emergency personnel officer, or a member of the client law enforcement employee's immediate family to a peer counselor while receiving counseling.

G.S. 8-53.10(b) prohibits a peer counselor from disclosing any privileged communication that was necessary to enable the counselor to render counseling services unless one of the following apply:

- The disclosure is authorized by the client.
- The disclosure is necessary to the proper administration of justice and, except in alimony and divorce actions, is compelled by a resident or presiding judge.

The privilege does not apply in certain situations, including if the peer counselor was involved in the incident that prompted the delivery of peer counseling services, the communications were made while the peer counselor was not acting in his or her official capacity as a peer counselor, or the communications related to a violation of criminal law. Additionally, the privilege would not be grounds for failure to report or exclude evidence of (i) suspected child abuse or neglect, or (ii) disabled adult suspected to be in need of protective services.

BILL ANALYSIS: The PCS would add corrections employees to those who can be peer counselors or receive peer counseling services to whom the privileged communications provision applies. It would also make technical and clarifying changes to ensure emergency personnel officers are covered by the provision as well. Additionally, it would clarify that individuals must be both (i) trained in providing support and counseling and (ii) designated by an appropriate individual to provide peer counseling services.

Jeffrey Hudson
Director



Legislative Analysis
Division
919-733-2578

House 661 PCS

Page 2

The PCS would also clarify that the following would not be required in order for the peer counselor privilege to apply:

- The peer counselor be specifically assigned to counsel the client.
- The designation as a peer counselor be made by the head of the same agency that employs the client law enforcement employee or emergency personnel officer.

EFFECTIVE DATE: The PCS would be effective when it becomes law and would apply retroactively to communications made on or after July 8, 2022.