

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 870, Page 49,
2 Section 353.110, Line 88, by inserting after all of said section and line the following:

3
4 "590.1040. 1. For purposes of this section, the following terms mean:

5 (1) "Emergency services personnel", any employee or volunteer of an emergency services
6 provider who is engaged in providing or supporting fire fighting, dispatching services, and
7 emergency medical services;

8 (2) "Emergency services provider", any public employer, or ground or air ambulance
9 service as those terms are used in chapter 190, that employs persons to provide fire fighting,
10 dispatching services, and emergency medical services;

11 (3) "Employee assistance program", a program established by a law enforcement agency or
12 emergency services provider to provide professional counseling or support services to employees of
13 a law enforcement agency, emergency services provider, or a professional mental health provider
14 associated with a peer support team;

15 (4) "Law enforcement agency", any public agency that employs law enforcement personnel;

16 (5) "Law enforcement personnel", any person who, by virtue of office or public
17 employment, is vested by law with a duty to maintain public order or to make arrests for violation
18 of the laws of the state of Missouri or ordinances of any municipality thereof, or with a duty to
19 maintain or assert custody or supervision over persons accused or convicted of a crime, while acting
20 within the scope of his or her authority as an employee or volunteer of a law enforcement agency;

21 (6) "Peer support counseling session", any session conducted by a peer support specialist
22 that is called or requested in response to a critical incident or traumatic event involving the
23 personnel of the law enforcement agency or emergency services provider;

24 (7) "Peer support specialist", a person who:

25 (a) Is designated by a law enforcement agency, emergency services provider, employee
26 assistance program, or peer support team leader to lead, moderate, or assist in a peer support
27 counseling session;

28 (b) Is a member of a peer support team; and

29 (c) Has received training in counseling and providing emotional and moral support to law
30 enforcement officers or emergency services personnel who have been involved in emotionally
31 traumatic incidents by reason of his or her employment;

32 (8) "Peer support team", a group of peer support specialists serving one or more law
33 enforcement providers or emergency services providers.

34 2. Any communication made by a participant or peer support specialist in a peer support
35 counseling session, and any oral or written information conveyed in or as the result of a peer
36 support counseling session, are confidential and may not be disclosed by any person participating in

Action Taken _____ Date _____

1 the peer support counseling session.

2 3. Any communication relating to a peer support counseling session that is made between
3 peer support specialists, between peer support specialists and the supervisors or staff of an employee
4 assistance program, or between the supervisors or staff of an employee assistance program is
5 confidential and may not be disclosed.

6 4. The provisions of this section shall apply only to peer support counseling sessions
7 conducted by a peer support specialist.

8 5. The provisions of this section shall apply to all oral communications, notes, records, and
9 reports arising out of a peer support counseling session. Any notes, records, or reports arising out of
10 a peer support counseling session shall not be public records and shall not be subject to the
11 provisions of chapter 610. Nothing in this section limits the discovery or introduction into evidence
12 of knowledge acquired by any law enforcement personnel or emergency services personnel from
13 observation made during the course of employment, or material or information acquired during the
14 course of employment, that is otherwise subject to discovery or introduction into evidence.

15 6. The provisions of this section shall not apply to any:

16 (1) Threat of suicide or criminal act made by a participant in a peer support counseling
17 session, or any information conveyed in a peer support counseling session relating to a threat of
18 suicide or criminal act;

19 (2) Information relating to abuse of spouses, children, or the elderly, or other information
20 that is required to be reported by law;

21 (3) Admission of criminal conduct;

22 (4) Disclosure of testimony by a participant who received peer support counseling services
23 and expressly consented to such disclosure; or

24 (5) Disclosure of testimony by the surviving spouse or executor or administrator of the
25 estate of a deceased participant who received peer support counseling services and such surviving
26 spouse or executor or administrator expressly consented to such disclosure.

27 7. The provisions of this section shall not prohibit any communications between peer
28 support specialists who conduct peer support counseling sessions or any communications between
29 peer support specialists and the supervisors or staff of an employee assistance program.

30 8. The provisions of this section shall not prohibit communications regarding fitness of an
31 employee for duty between an employee assistance program and an employer."; and

32
33 Further amend said bill by amending the title, enacting clause, and intersectional references
34 accordingly.