

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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HOUSE BILL 661
PROPOSED COMMITTEE SUBSTITUTE H661-PCS10441-BE-22

Short Title: Emergency Services Peer Counseling Privilege.

(Public)

Sponsors:

Referred to:

April 18, 2023

1 A BILL TO BE ENTITLED
2 AN ACT TO EXPAND THE SCOPE OF VARIOUS PEER SUPPORT GROUP COUNSELOR
3 PROVISIONS.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 8-53.10 reads as rewritten:

6 "§ 8-53.10. Peer support group counselors.

7 (a) Definitions. – The following definitions apply in this section:

8 (1) Client law enforcement employee. – Any law enforcement employee or a
9 member of his or her immediate family who is in need of and receives peer
10 counseling services offered by the officer's employing law enforcement
11 agency.

12 (1a) Emergency personnel officer. – Firefighting, search and rescue, or emergency
13 medical service personnel, or any employee of any duly accredited State or
14 local government agency possessing authority to enforce the criminal laws of
15 the State who (i) is actively serving in a position with assigned primary duties
16 and responsibilities for the prevention and detection of crime or the general
17 enforcement of the criminal laws of the State and (ii) possesses the power of
18 arrest by virtue of an oath administered under the authority of the State.

19 (1b) Corrections employee. – Any corrections employee or a member of his or her
20 immediate family who is in need of and receives peer counseling services
21 offered by the employee's corrections agency.

22 (2) Immediate family. – A spouse, child, stepchild, parent, or stepparent.

23 (3) Peer counselor. – Any active or retired law enforcement officer, corrections
24 officer, emergency personnel officer, or civilian employee of a law
25 enforcement agency who agency, corrections agency, or emergency agency
26 who meets both of the following criteria:

27 a. Has received training to provide emotional and moral support and
28 counseling to client law enforcement employees, corrections
29 employees, emergency personnel officers, and their immediate
30 families.

31 b. ~~Was~~ Has been designated by ~~the a~~ sheriff, police chief, or other head
32 of a law ~~enforcement or enforcement, corrections, or emergency~~
33 agency to counsel a provide counseling to client law enforcement
34 employee-employees, corrections employees, and emergency
35 personnel officers.



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- 1 (4) Privileged communication. – Any communication made by a client law
2 enforcement employee, corrections employee, emergency personnel officer,
3 or a member of the client law enforcement employee's-employee's, corrections
4 employee's, or emergency personnel officer's immediate family to a peer
5 counselor while receiving counseling.
- 6 (a1) Nothing in this section shall be construed to require either of the following in order
7 for the privilege established by this section to apply:
- 8 (1) That the peer counselor be specifically assigned to counsel the client law
9 enforcement employee, corrections employee, emergency personnel officer,
10 or member of the client employee's or officer's immediate family receiving
11 the counseling.
- 12 (2) That the designation as a peer counselor required by sub-subdivision b. of
13 subdivision (3) of subsection (a) of this section be made by the head of the
14 same agency that employs the client law enforcement employee, corrections
15 employee, or emergency personnel officer.
- 16 (b) A peer counselor shall not disclose any privileged communication that was necessary
17 to enable the counselor to render counseling services unless one of the following apply:
- 18 (1) The disclosure is authorized by the client or, if the client is deceased, the
19 disclosure is authorized by the client's executor, administrator, or in the case
20 of unadministrated estates, the client's next of kin.
- 21 (2) The disclosure is necessary to the proper administration of justice and, subject
22 to G.S. 8-53.6, is compelled by a resident or presiding judge. If the case is in
23 district court the judge shall be a district court judge, and if the case is in
24 superior court the judge shall be a superior court judge.
- 25 (c) The privilege established by this section shall not apply:
- 26 (1) If the peer counselor was an initial responding officer, a witness, or a party to
27 the incident that prompted the delivery of peer counseling services.
- 28 (2) To communications made while the peer counselor was not acting in his or
29 her official capacity as a peer counselor.
- 30 (3) To communications related to a violation of criminal law. This subdivision
31 does not require the disclosure of otherwise privileged communications
32 related to an officer's use of force.
- 33 (d) Notwithstanding the provisions of this section, the peer counselor privilege shall not
34 be grounds for failure to report suspected child abuse or neglect to the appropriate county
35 department of social services, or for failure to report a disabled adult suspected to be in need of
36 protective services to the appropriate county department of social services. Notwithstanding the
37 provisions of this section, the peer counselor privilege shall not be grounds for excluding
38 evidence regarding the abuse or neglect of a child, or an illness of or injuries to a child, or the
39 cause thereof, or for excluding evidence regarding the abuse, neglect, or exploitation of a disabled
40 adult, or an illness of or injuries to a disabled adult, or the cause thereof, in any judicial
41 proceeding related to a report pursuant to the Child Abuse Reporting Law, Article 3 of Chapter
42 7B, or to the Protection of the Abused, Neglected, or Exploited Disabled Adult Act, Article 6 of
43 Chapter 108A of the General Statutes."

44 **SECTION 2.** This act is effective when it becomes law and applies retroactively to
45 communications made on or after July 8, 2022.