

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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SENATE BILL 995

Short Title: Police Peer Counselor Privilege.

(Public)

Sponsors: Senator Odom.

Referred to: Judiciary II.

April 15, 1999

A BILL TO BE ENTITLED
AN ACT ESTABLISHING A TESTIMONIAL PRIVILEGE FOR POLICE PEER
SUPPORT GROUP COUNSELORS.

The General Assembly of North Carolina enacts:

Section 1. Article 7 of Chapter 8 of the General Statutes is amended by adding a new section to read:

"§ 8-53.9. Peer support group counselors.

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

- (1) Client officer. -- Any sworn law enforcement officer who is in need of and receives peer support counseling services offered by the officer's employing law enforcement agency.
- (2) Immediate family. -- A spouse, child, stepchild, parent, or stepparent.
- (3) Peer support group counselor. -- Any law enforcement officer or civilian employee of a law enforcement agency who:
 - a. Has received training to provide emotional and moral support and counseling to client officers and their immediate families;
and
 - b. Was designated by the sheriff, police chief, or other head of a law enforcement agency to counsel a client officer.
- (4) Privileged communication. -- Any communication made by a client officer, or a member of the client officer's immediate family, to a peer support group counselor while receiving counseling.

(b) No peer support group counselor shall, without the consent of the client officer or a member of the client officer's immediate family, disclose any privileged communication made by a client officer or a member of the client officer's immediate family while receiving counseling. No peer support group counselor may be compelled to testify about or disclose any privileged communication made by a client officer or a member of the client officer's immediate family.

(c) The privilege established by subsection (b) of this section shall not apply:

- (1) If the peer support group counselor was an initial responding officer, a witness, or a party to the incident which prompted the delivery of peer support counseling services.
- (2) As to testimony concerning an incident if the incident prompted the assignment of the peer support group counselor.
- (3) To communications made while the peer support group counselor was not acting in his or her official capacity as a peer support group counselor.

(d) Notwithstanding the provisions of this section, the peer group counselor privilege shall not be grounds for failure to report suspected child abuse or neglect to the appropriate county department of social services, or for failure to report a disabled adult suspected to be in need of protective services to the appropriate county department of social services. Notwithstanding the provisions of this section, the peer counselor privilege shall not be grounds for excluding evidence regarding the abuse or neglect of a child, or an illness of or injuries to a child, or the cause thereof, or for excluding evidence regarding the abuse, neglect, or exploitation of a disabled adult, or an illness of or injuries to a disabled adult, or the cause thereof, in any judicial proceeding related to a report pursuant to the Child Abuse Reporting Law, Article 44 of Chapter 7A, or to the Protection of the Abused, Neglected, or Exploited Disabled Adult Act, Article 6 of Chapter 108A of the General Statutes."

Section 2. This act becomes effective December 1, 1999, and applies to all actions and proceedings pending in the courts of this State on or after that date.