STATE OF NEW YORK

1310--B

2023-2024 Regular Sessions

IN ASSEMBLY

January 17, 2023

Introduced by M. of A. SILLITTI -- read once and referred to the Committee on Judiciary -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Judiciary in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the civil practice law and rules, in relation to providing a testimonial privilege to critical incident stress management/crisis response/peer support team members concerning communications made during critical incident stress management/crisis response services

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Short title. This act shall be known and may be cited as the "Lieutenant Joseph Banish mental health act".

§ 2. The civil practice law and rules is amended by adding a new section 4508-a to read as follows:

§ 4508-a. Critical incident stress management/crisis response/peer support team member. (a) Definitions. As used in this section the following terms shall have the following meanings:

1. "Emergency services provider" means any individual working or volunteering in the following service capacities; law enforcement, firefighting, emergency medical services, communications/dispatch services, public safety, disaster/emergency managers and disaster responders.

2. "Critical incident stress management/crisis response services/peer support" means contact with a trained member of an organized emergency response team who provides intervention, support, consultation, risk assessment, referral and follow-up services.

3. "A trained member" means an individual who received specialized training in critical incident stress management/crisis response/peer

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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support and offers services as part of an organized emergency response team.

4. "Critical incident stress management/crisis response/peer support" means a comprehensive, integrated, strategic and multi-component approach to manage critical incident stress during and following incidents and/or for any issue that may impact work and family life. Critical incident stress management/crisis response/peer support services may include:

(A) Pre-incident education and preparation;

(B) Assessment;

(C) Crisis intervention;

(D) Strategic planning;

(E) Large group interventions;

(F) Small group interventions;

(G) One-on-one assistance;

(H) Family critical incident stress management;

(I) Organizational, community intervention, and consultation;

(J) Pastoral crisis intervention; and

(K) Follow-up and referral.

(b) Confidential information privileged. A trained member who received specialized training in critical incident stress management/crisis response/peer support as a member of an organized emergency response team shall not be required to disclose oral or written communication, notes, records or reports made by an individual while receiving such services or be required to disclose his/her communications with the individual in need of critical incident stress management/crisis response/peer support services except:

1. Where the individual who received critical incident stress management/crisis response services/peer support gives express consent to the testimony;

2. The communication reveals the contemplation of a crime or admission of criminal conduct;

3. The individual represents harm to self or others; or

4. The individual is suspected of child abuse or is at risk for child abuse.

(c) Rules and regulations. The division of criminal justice services shall promulgate rules and regulations necessary to effectuate this section and shall be empowered to identify minimum certifications required of trained members, approved training courses, record keeping requirements, and retraining requirements.

§ 3. This act shall take effect immediately.