

CHAPTER 105

COURTS

HOUSE BILL 93-1215

BY REPRESENTATIVES Knox, Fleming, DeGette, Greenwood, R. Hernandez, and Rupert;
also SENATORS Blickensderfer and Weissmann.

AN ACT

CONCERNING THE CREATION OF A PRIVILEGE WHICH COVERS COMMUNICATIONS TO OR BY CERTAIN MENTAL HEALTH PROFESSIONAL LICENSEES, AND, IN CONNECTION THEREWITH, SPECIFYING THAT THE COMMUNICATIONS BETWEEN PROFESSIONAL COUNSELORS, MARRIAGE AND FAMILY THERAPISTS, OR SOCIAL WORKERS AND THEIR RESPECTIVE CLIENTS ARE PRIVILEGED.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 13-90-107 (1) (g), Colorado Revised Statutes, 1987 Repl. Vol., is amended to read:

13-90-107. Who may not testify without consent. (1) There are particular relations in which it is the policy of the law to encourage confidence and to preserve it inviolate; therefore, a person shall not be examined as a witness in the following cases:

(g) A licensed psychologist, PROFESSIONAL COUNSELOR, MARRIAGE AND FAMILY THERAPIST, OR SOCIAL WORKER shall not be examined without the consent of ~~his~~ SUCH LICENSEE'S client as to any communication made by the client to ~~him~~ SUCH LICENSEE or ~~his~~ SUCH LICENSEE'S advice given thereon in the course of professional employment; nor shall ~~a licensed psychologist's~~ ANY secretary, stenographer, or clerk EMPLOYED BY A LICENSED PSYCHOLOGIST, PROFESSIONAL COUNSELOR, MARRIAGE AND FAMILY THERAPIST, OR SOCIAL WORKER be examined without the consent of ~~his~~ THE employer OF SUCH SECRETARY, STENOGRAPHER, OR CLERK concerning any fact, the knowledge of which ~~he~~ SUCH EMPLOYEE has acquired in such capacity; nor shall any person who has participated in any ~~psychological therapy~~ PSYCHOTHERAPY, conducted under the supervision of a person authorized by law to conduct such therapy, including but not limited to group therapy sessions, be examined concerning any knowledge gained during the course of such therapy without the consent of the person to whom the testimony sought relates.

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

SECTION 2. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: April 12, 1993