

## CHAPTER 20

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**COURTS**

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**HOUSE BILL 05-1108**

BY REPRESENTATIVE(S) Larson, Boyd, Brophy, Carroll T., Coleman, Green, Jahn, Madden, Marshall, McCluskey, and McFadyen;  
also SENATOR(S) Bacon, Grossman, and Williams.

**AN ACT**

**CONCERNING THE CREATION OF AN EVIDENTIARY PRIVILEGE FOR COMMUNICATIONS MADE DURING THE PROVISION OF CERTAIN PEER SUPPORT SERVICES.**

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

**SECTION 1.** 13-90-107 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH 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:

(m) (I) A LAW ENFORCEMENT OR FIREFIGHTER PEER SUPPORT TEAM MEMBER SHALL NOT BE EXAMINED WITHOUT THE CONSENT OF THE PERSON TO WHOM PEER SUPPORT SERVICES HAVE BEEN PROVIDED AS TO ANY COMMUNICATION MADE BY THE PERSON TO THE PEER SUPPORT TEAM MEMBER UNDER THE CIRCUMSTANCES DESCRIBED IN SUBPARAGRAPH (III) OF THIS PARAGRAPH (m); NOR SHALL A RECIPIENT OF INDIVIDUAL PEER SUPPORT SERVICES BE EXAMINED AS TO ANY SUCH COMMUNICATION WITHOUT THE RECIPIENT'S CONSENT.

(II) FOR PURPOSES OF THIS PARAGRAPH (m):

(A) "COMMUNICATION" MEANS AN ORAL STATEMENT, WRITTEN STATEMENT, NOTE, RECORD, REPORT, OR DOCUMENT, MADE DURING, OR ARISING OUT OF, A MEETING WITH A PEER SUPPORT TEAM MEMBER.

(B) "LAW ENFORCEMENT OR FIREFIGHTER PEER SUPPORT TEAM MEMBER" MEANS

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

A PEACE OFFICER, CIVILIAN EMPLOYEE, OR VOLUNTEER MEMBER OF A LAW ENFORCEMENT AGENCY OR A REGULAR OR VOLUNTEER MEMBER OF A FIRE DEPARTMENT OR OTHER PERSON WHO HAS BEEN TRAINED IN PEER SUPPORT SKILLS AND WHO IS OFFICIALLY DESIGNATED BY A POLICE CHIEF, THE CHIEF OF THE COLORADO STATE PATROL, A SHERIFF, OR A FIRE CHIEF AS A MEMBER OF A LAW ENFORCEMENT AGENCY'S PEER SUPPORT TEAM OR A FIRE DEPARTMENT'S PEER SUPPORT TEAM.

(III) THE PROVISIONS OF THIS PARAGRAPH (m) SHALL APPLY ONLY TO COMMUNICATIONS MADE DURING INDIVIDUAL INTERACTIONS CONDUCTED BY A PEER SUPPORT TEAM MEMBER:

(A) ACTING IN THE PERSON'S OFFICIAL CAPACITY AS A LAW ENFORCEMENT OR FIREFIGHTER PEER SUPPORT TEAM MEMBER; AND

(B) FUNCTIONING WITHIN THE WRITTEN PEER SUPPORT GUIDELINES THAT ARE IN EFFECT FOR THE PERSON'S RESPECTIVE LAW ENFORCEMENT AGENCY OR FIRE DEPARTMENT.

(IV) THIS PARAGRAPH (m) SHALL NOT APPLY IN CASES IN WHICH:

(A) A LAW ENFORCEMENT OR FIREFIGHTER PEER SUPPORT TEAM MEMBER WAS A WITNESS OR A PARTY TO AN INCIDENT WHICH PROMPTED THE DELIVERY OF PEER SUPPORT SERVICES;

(B) INFORMATION RECEIVED BY A PEER SUPPORT TEAM MEMBER IS INDICATIVE OF ACTUAL OR SUSPECTED CHILD ABUSE, AS DESCRIBED IN SECTION 18-6-401, C.R.S., OR ACTUAL OR SUSPECTED CHILD NEGLECT, AS DESCRIBED IN SECTION 19-3-102, C.R.S.;

(C) DUE TO ALCOHOL OR OTHER SUBSTANCE INTOXICATION OR ABUSE, AS DESCRIBED IN SECTIONS 25-1-310 AND 25-1-1106, C.R.S., THE PERSON RECEIVING PEER SUPPORT IS A CLEAR AND IMMEDIATE DANGER TO THE PERSON'S SELF OR OTHERS;

(D) THERE IS REASONABLE CAUSE TO BELIEVE THAT THE PERSON RECEIVING PEER SUPPORT IS MENTALLY ILL AND, DUE TO SUCH MENTAL ILLNESS, IS AN IMMINENT THREAT TO THE PERSON'S SELF OR OTHERS OR IS GRAVELY DISABLED AS DEFINED IN SECTION 27-10-102, C.R.S.; OR

(E) THERE IS INFORMATION INDICATIVE OF ANY CRIMINAL CONDUCT.

**SECTION 2. Effective date - applicability.** This act shall take effect July 1, 2005, and shall apply to peer support services provided on or after said date.

**SECTION 3. 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: March 25, 2005