

CHAPTER 67

COURTS

SENATE BILL 13-038

BY SENATOR(S) Balmer, Aguilar, Guzman, King, Lambert, Newell, Roberts, Tochtrop, Todd, Morse;
 also REPRESENTATIVE(S) Garcia, Buckner, Dore, Exum, Fields, Foote, Gerou, Ginal, Holbert, Labuda, Lebsack, Melton,
 Mitsch Bush, Navarro, Rosenthal, Schafer, Singer, Vigil, Williams, Young.

AN ACT

CONCERNING THE CONFIDENTIALITY OF CERTAIN COMMUNICATIONS AMONG EMERGENCY RESPONDERS.

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

SECTION 1. In Colorado Revised Statutes, 13-90-107, **amend** (1) (m) (III) (A), (1) (m) (III) (B), and (1) (m) (IV) (A); and **add** (1) (m) (I.5) and (1) (m) (II) (A.5) as follows:

13-90-107. Who may not testify without consent - definitions. (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.5) AN EMERGENCY MEDICAL SERVICE PROVIDER OR RESCUE UNIT 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.5) "EMERGENCY MEDICAL SERVICE PROVIDER OR RESCUE UNIT PEER SUPPORT TEAM MEMBER" MEANS AN EMERGENCY MEDICAL SERVICE PROVIDER, AS DEFINED IN SECTION 25-3.5-103 (8), C.R.S., A REGULAR OR VOLUNTEER MEMBER OF A RESCUE UNIT, AS DEFINED IN SECTION 25-3.5-103 (11), C.R.S., OR OTHER PERSON WHO HAS

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

BEEN TRAINED IN PEER SUPPORT SKILLS AND WHO IS OFFICIALLY DESIGNATED BY THE SUPERVISOR OF AN EMERGENCY MEDICAL SERVICE AGENCY AS DEFINED IN SECTION 25-3.5-103 (11.5), C.R.S., OR A CHIEF OF A RESCUE UNIT AS A MEMBER OF AN EMERGENCY MEDICAL SERVICE PROVIDER'S PEER SUPPORT TEAM OR RESCUE UNIT'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 OR AN EMERGENCY MEDICAL SERVICE PROVIDER OR RESCUE UNIT 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, EMERGENCY MEDICAL SERVICE AGENCY, OR RESCUE UNIT.

(IV) This paragraph (m) shall not apply in cases in which:

(A) A law enforcement or firefighter peer support team member OR EMERGENCY MEDICAL SERVICE PROVIDER OR RESCUE UNIT PEER SUPPORT TEAM MEMBER was a witness or a party to an incident which prompted the delivery of peer support services;

SECTION 2. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 7, 2013, if adjournment sine die is on May 8, 2013); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2014 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: March 22, 2013