

**Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 24-0161.01 Chelsea Princell x4335

SENATE BILL 24-063

SENATE SPONSORSHIP

Rich and Coleman, Buckner, Cutter, Gardner, Ginal, Jaquez Lewis, Kirkmeyer, Liston, Michaelson Jenet, Priola, Roberts, Will, Zenzinger

HOUSE SPONSORSHIP

Taggart,

Senate Committees
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House Committees

A BILL FOR AN ACT

101 **CONCERNING THE CONFIDENTIALITY OF DISCUSSIONS IN A PEER**
102 **SUPPORT SETTING.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill prohibits a peer support team member or recipient of group peer support services from being examined as a witness without the consent of the person to whom the examination relates.

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

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

SENATE
3rd Reading Unamended
February 13, 2024

SENATE
2nd Reading Unamended
February 12, 2024

1 **SECTION 1.** In Colorado Revised Statutes, 13-90-107, **amend**
2 (1)(m) as follows:

3 **13-90-107. Who may not testify without consent - definitions.**

4 (1) There are particular relations in which it is the policy of the law to
5 encourage confidence and to preserve it inviolate; therefore, a person
6 must not be examined as a witness in the following cases:

7 (m) (I) A law enforcement or firefighter peer support team
8 member, ~~shall~~ EMERGENCY MEDICAL SERVICE PROVIDER OR RESCUE UNIT
9 PEER SUPPORT TEAM MEMBER, OR DISTRICT ATTORNEY OR PUBLIC
10 DEFENDER PEER SUPPORT TEAM MEMBER MUST not be examined without
11 the consent of the person to whom peer support services have been
12 provided as to any communication made by the person to the peer support
13 team member under the circumstances described in ~~subsection (1)(m)(III)~~
14 SUBSECTION (1)(m)(IV) of this section; nor ~~shall~~ IS a recipient of peer
15 support services TO be examined as to any such communication without
16 the recipient's consent.

17 ~~(I.5) An emergency medical service provider or rescue unit peer~~
18 ~~support team member shall not be examined without the consent of the~~
19 ~~person to whom peer support services have been provided as to any~~
20 ~~communication made by the person to the peer support team member~~
21 ~~under the circumstances described in subsection (1)(m)(III) of this~~
22 ~~section; nor shall a recipient of peer support services be examined as to~~
23 ~~any such communication without the recipient's consent.~~

24 ~~(I.6) A district attorney or public defender peer support team~~
25 ~~member shall not be examined without the consent of the person to whom~~
26 ~~peer support services have been provided as to any communication made~~
27 ~~by the person to the peer support team member under the circumstances~~

1 described in subsection (1)(m)(III) of this section; nor shall a recipient of
2 peer support services be examined as to any such communication without
3 the recipient's consent.

4 (II) RECIPIENTS OF GROUP PEER SUPPORT SERVICES MUST NOT BE
5 EXAMINED AS TO ANY KNOWLEDGE GAINED FROM OTHER RECIPIENTS OF
6 GROUP PEER SUPPORT SERVICES WITHOUT THE CONSENT OF THE PERSON TO
7 WHOM THE KNOWLEDGE RELATES.

8 ~~(H)~~ (III) As used in this subsection (1)(m):

9 (A) "Communication" means an oral statement, written statement,
10 note, record, report, or document made during, or arising out of, a
11 meeting with a peer support team member.

12 ~~(A.3)~~ (B) "District attorney or public defender peer support team
13 member" means an employee of a district attorney's office or a public
14 defender's office who has been trained in peer support skills and who is
15 officially designated by a district attorney or the state public defender as
16 a member of a district attorney's office peer support team or an office of
17 the state public defender peer support team.

18 ~~(A.5)~~ (C) "Emergency medical service provider or rescue unit peer
19 support team member" means an emergency medical service provider, as
20 defined in section 25-3.5-103, ~~(8), C.R.S.~~, a regular or volunteer member
21 of a rescue unit, as defined in section 25-3.5-103, ~~(11), C.R.S.~~, or other
22 person who has been trained in peer support skills and who is officially
23 designated by the supervisor of an emergency medical service agency as
24 defined in section 25-3.5-103 ~~(11.5), C.R.S.~~, or a chief of a rescue unit as
25 a member of an emergency medical service provider's peer support team
26 or rescue unit's peer support team.

27 (D) "GROUP PEER SUPPORT SERVICES" MEANS PEER SUPPORT

1 INTERACTIONS COMPRISED OF AT LEAST ONE PEER SUPPORT MEMBER AND
2 MORE THAN ONE RECIPIENT OF GROUP PEER SUPPORT SERVICES, AND
3 INCLUDES ANY GROUP MEETING CONDUCTED OR FACILITATED BY ONE OR
4 MORE PEER SUPPORT TEAM MEMBERS FOR THE PURPOSE OF PEER SUPPORT
5 OR INCIDENT DEBRIEFING.

6 ~~(B)~~ (E) "Law enforcement or firefighter peer support team
7 member" means a peace officer, civilian employee, or volunteer member
8 of a law enforcement agency or a regular or volunteer member of a fire
9 department or other person who has been trained in peer support skills
10 and who is officially designated by a police chief, the chief of the
11 Colorado state patrol, a sheriff, or a fire chief as a member of a law
12 enforcement agency's peer support team or a fire department's peer
13 support team.

14 ~~(H)~~ (IV) This subsection (1)(m) applies only to communications
15 made during interactions conducted by a peer support team member:

16 (A) Acting in the person's official capacity as a law enforcement
17 or firefighter peer support team member, emergency medical service
18 provider or rescue unit peer support team member, or district attorney or
19 public defender peer support team member; and

20 (B) Functioning within the written peer support guidelines that are
21 in effect for the person's respective law enforcement agency, fire
22 department, emergency medical service agency, rescue unit, district
23 attorney's office, or public defender's office.

24 ~~(V)~~ (V) This subsection (1)(m) does not apply in cases in which:

25 (A) A law enforcement or firefighter peer support team member,
26 emergency medical service provider or rescue unit peer support team
27 member, or district attorney or public defender peer support team member

1 was a witness or a party to an incident which prompted the delivery of
2 peer support services;

3 (B) Information received by a peer support team member is
4 indicative of actual or suspected child abuse, as described in section
5 18-6-401; actual or suspected child neglect, as described in section
6 19-3-102; or actual or suspected crimes against at-risk persons, as
7 described in section 18-6.5-103;

8 (C) Due to intoxication by alcohol, being under the influence of
9 drugs, or incapacitation by substances as described in section 27-81-111,
10 the person receiving peer support is a clear and immediate danger to the
11 person's self or others;

12 (D) There is reasonable cause to believe that the person receiving
13 peer support has a mental health disorder and, due to the mental health
14 disorder, is an imminent threat to himself or herself or others or is gravely
15 disabled as defined in section 27-65-102; or

16 (E) There is information indicative of any criminal conduct.

17 **SECTION 2. Act subject to petition - effective date.** This act
18 takes effect at 12:01 a.m. on the day following the expiration of the
19 ninety-day period after final adjournment of the general assembly; except
20 that, if a referendum petition is filed pursuant to section 1 (3) of article V
21 of the state constitution against this act or an item, section, or part of this
22 act within such period, then the act, item, section, or part will not take
23 effect unless approved by the people at the general election to be held in
24 November 2024 and, in such case, will take effect on the date of the
25 official declaration of the vote thereon by the governor.