

CHAPTER 35

COURTS

HOUSE BILL 17-1032

BY REPRESENTATIVE(S) Arndt, Becker K., Carver, Exum, Ginal, Hooton, Kraft-Tharp, Lontine, Mitsch Bush, Pettersen, Sias, Wist, Duran;
also SENATOR(S) Cooke, Crowder.

AN ACT

CONCERNING THE 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. In Colorado Revised Statutes, 13-90-107, **amend** (1)(m)(I), (1)(m)(I.5), (1)(m)(III) introductory portion, (1)(m)(IV) introductory portion, and (1)(m)(IV)(B) 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) 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)~~ SUBSECTION (1)(m)(III) OF THIS SECTION; nor shall a recipient of ~~individual~~ peer support services be examined as to any such communication without the recipient's consent.

(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)~~ SUBSECTION (1)(m)(III) OF THIS SECTION; nor shall a recipient of ~~individual~~ peer support services be examined as to any such

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

communication without the recipient's consent.

(III) The provisions of this ~~paragraph (m) shall~~ SUBSECTION (1)(m) apply only to communications made during ~~individual~~ interactions conducted by a peer support team member:

(IV) This ~~paragraph (m) shall~~ SUBSECTION (1)(m) DOES not apply in cases in which:

(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.~~ OR ACTUAL OR SUSPECTED CRIMES AGAINST AT-RISK PERSONS, AS DESCRIBED IN SECTION 18-6.5-103;

SECTION 2. Effective date - applicability. This act takes effect upon passage and applies to peer support services supplied 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 16, 2017