

**First Regular Session
Seventy-first General Assembly
STATE OF COLORADO**

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 17-0353.01 Jerry Barry x4341

HOUSE BILL 17-1032

HOUSE SPONSORSHIP

Arndt,

SENATE SPONSORSHIP

Cooke,

House Committees
Judiciary

Senate Committees
Judiciary

A BILL FOR AN ACT

101 **CONCERNING THE EVIDENTIARY PRIVILEGE FOR COMMUNICATIONS**
102 **MADE DURING THE PROVISION OF CERTAIN PEER SUPPORT**
103 **SERVICES.**

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/>.)

Under current law, peer support team members for certain first responders and a first responder may not be required to testify about communications made during the peer support process without the first responder's consent. The bill clarifies that the communication need not be during an individual peer support meeting.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

SENATE
2nd Reading Unamended
March 2, 2017

HOUSE
3rd Reading Unamended
February 2, 2017

HOUSE
2nd Reading Unamended
February 1, 2017

Under current law, there is an exception to the privilege if the information provided to the peer support team member indicates certain actual or suspected crimes. The bill adds crimes against at-risk persons to the list of crimes.

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

2 **SECTION 1.** In Colorado Revised Statutes, 13-90-107, **amend**
3 (1)(m)(I), (1)(m)(I.5), (1)(m)(III) introductory portion, (1)(m)(IV)
4 introductory portion, and (1)(m)(IV)(B) as follows:

5 **13-90-107. Who may not testify without consent - definitions.**

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

9 (m) (I) A law enforcement or firefighter peer support team
10 member shall not be examined without the consent of the person to whom
11 peer support services have been provided as to any communication made
12 by the person to the peer support team member under the circumstances
13 described in ~~subparagraph (III) of this paragraph (m)~~ SUBSECTION
14 (1)(m)(III) OF THIS SECTION; nor shall a recipient of ~~individual~~ peer
15 support services be examined as to any such communication without the
16 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 ~~subparagraph (III) of this paragraph~~
22 ~~(m)~~ SUBSECTION (1)(m)(III) OF THIS SECTION; nor shall a recipient of
23 ~~individual~~ peer support services be examined as to any such

1 communication without the recipient's consent.

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

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

7 (B) Information received by a peer support team member is
8 indicative of actual or suspected child abuse, as described in section
9 18-6-401; ~~C.R.S.~~, or actual or suspected child neglect, as described in
10 section 19-3-102; ~~C.R.S.~~ OR ACTUAL OR SUSPECTED CRIMES AGAINST
11 AT-RISK PERSONS, AS DESCRIBED IN SECTION 18-6.5-103;

12 **SECTION 2. Effective date - applicability.** This act takes effect
13 upon passage and applies to peer support services supplied on or after
14 said date.

15 **SECTION 3. Safety clause.** The general assembly hereby finds,
16 determines, and declares that this act is necessary for the immediate
17 preservation of the public peace, health, and safety.