



January 21, 2025

HOUSE BILL No. 1118

DIGEST OF HB 1118 (Updated January 14, 2025 3:01 pm - DI 116)

Citations Affected: IC 36-8.

Synopsis: Critical incident stress management debriefings. Provides that a first responder recipient of critical incident stress management (CISM) services may not be compelled to testify or otherwise disclose a communication made to a CISM services provider or peer support team member relating to the first responder recipient's CISM services in a civil, criminal, or administrative proceeding. Provides that a first responder recipient or the first responder recipient's employer may not be held liable for damages for any act, error, or omission committed by the first responder recipient based on a communication provided between a first responder recipient and CISM team, CISM services provider, or peer support team as part of the CISM services unless the act, error, or omission constitutes wanton, willful, or intentional misconduct.

Effective: July 1, 2025.

McNamara, Bartels

January 8, 2025, read first time and referred to Committee on Veterans Affairs and Public Safety.
January 21, 2025, amended, reported — Do Pass.

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January 21, 2025

First Regular Session of the 124th General Assembly (2025)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2024 Regular Session of the General Assembly.

HOUSE BILL No. 1118

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

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

1 SECTION 1. IC 36-8-2.5-2, AS AMENDED BY P.L.7-2021,
2 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2025]: Sec. 2. (a) Except as otherwise provided in this section,
4 a communication made by a first responder recipient to:
5 (1) a CISM services provider while the first responder recipient
6 receives CISM services; or
7 (2) a peer support team member while the first responder
8 recipient receives peer support services;
9 is confidential. **A first responder recipient may not be compelled to
10 testify or otherwise disclose a communication made to a CISM
11 services provider or peer support team member relating to the first
12 responder recipient's CISM services in a civil, criminal, or
13 administrative proceeding.**
14 (b) A CISM services provider or peer support team member may not
15 be compelled to testify or otherwise disclose ~~the communication~~
16 **communications relating to CISM services** in a civil, criminal, or
17 administrative proceeding without the consent of the first responder

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- 1 recipient.
- 2 ~~(b)~~ (c) Except as otherwise provided in this section, a record of a
 3 communication kept by:
- 4 (1) a CISM services provider relating to CISM services; or
 5 (2) a peer support team member relating to peer support services;
 6 provided to a first responder recipient is confidential and is not subject
 7 to subpoena, discovery, or introduction into evidence in a civil,
 8 criminal, or administrative proceeding.
- 9 ~~(c)~~ (d) A communication is confidential for purposes of IC 5-14-3.
 10 ~~(d)~~ (e) A communication is not confidential and may be disclosed
 11 for the following purposes:
- 12 (1) The CISM services provider or peer support team member
 13 may disclose the communication to make a referral for the first
 14 responder recipient.
- 15 (2) The CISM services provider or peer support team member
 16 may disclose the communication to consult about the first
 17 responder recipient with a CISM services provider, peer support
 18 team member, or an appropriate professional associated with the
 19 CISM team or peer support team.
- 20 (3) The CISM services provider or peer support team member
 21 may disclose the communication to the extent reasonably
 22 necessary to prevent a first responder recipient from committing
 23 a crime or fraud that the CISM services provider or peer support
 24 team member reasonably believes is likely to result in death,
 25 substantial bodily harm, or substantial economic injury to another.
- 26 ~~(e)~~ (f) A communication is not confidential if:
- 27 (1) the communication conveys information that the first
 28 responder recipient poses or appears to pose an imminent threat
 29 of harm to the first responder recipient, a CISM services provider,
 30 a peer support team member, or another individual;
- 31 (2) the communication conveys information relating to child,
 32 spousal, or elder abuse;
- 33 (3) the first responder recipient or the legal representative of the
 34 first responder recipient expressly agrees that the first responder
 35 recipient's communication is not confidential;
- 36 (4) the CISM services provider or the peer support team member
 37 was a witness or a party to the incident that led to the provision of
 38 CISM services or peer support services; or
- 39 (5) the first responder recipient consents to the disclosure of the
 40 communication.

41 SECTION 2. IC 36-8-2.5-3, AS AMENDED BY P.L.7-2021,
 42 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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1 JULY 1, 2025]: Sec. 3. (a) A first responder recipient or the first
 2 responder recipient's employer may not be held liable for damages
 3 for any act, error, or omission committed by the first responder
 4 recipient, including:

- 5 (1) personal injury;
- 6 (2) wrongful death;
- 7 (3) property damage; or
- 8 (4) other loss;

9 based on a communication provided between a first responder
 10 recipient and the CISM team, CISM services provider, or peer
 11 support team as part of the CISM services for the first responder
 12 recipient unless the act, error, or omission committed by the first
 13 responder recipient or the first responder recipient's employer
 14 constitutes wanton, willful, or intentional misconduct.

15 ~~(a)~~ (b) Except as provided in subsection ~~(c)~~; (d), a CISM team or a
 16 CISM services provider providing CISM services is not liable for
 17 damages for any act, error, or omission committed by the CISM team
 18 or the CISM services provider in performing CISM services in
 19 accordance with this chapter, including:

- 20 (1) personal injury;
- 21 (2) wrongful death;
- 22 (3) property damage; or
- 23 (4) other loss;

24 unless the act, error, or omission constitutes wanton, willful, or
 25 intentional misconduct.

26 ~~(b)~~ (c) Except as provided in subsection ~~(c)~~; (d), a peer support
 27 services team or a peer support services team member providing peer
 28 support services is not liable for damages for any act, error, or omission
 29 committed by the peer support team or the peer support team member
 30 in performing peer support services in accordance with this chapter,
 31 including:

- 32 (1) personal injury;
- 33 (2) wrongful death;
- 34 (3) property damage; or
- 35 (4) other loss;

36 unless the act, error, or omission constitutes wanton, willful, or
 37 intentional misconduct.

38 ~~(c)~~ (d) This section does not apply to an action for medical
 39 malpractice.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Veterans Affairs and Public Safety, to which was referred House Bill 1118, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, line 10, delete "CISM team or the CISM services provider" and insert "**CISM team, CISM services provider, or peer support team**".

and when so amended that said bill do pass.

(Reference is to HB 1118 as introduced.)

BARTELS

Committee Vote: yeas 9, nays 0.

