

AMENDED IN ASSEMBLY JUNE 26, 2025

AMENDED IN ASSEMBLY JUNE 18, 2025

AMENDED IN SENATE MAY 8, 2025

SENATE BILL

No. 459

Introduced by Senator Grayson

February 19, 2025

An act to amend Sections 8669.3 and 8669.4 of the Government Code, relating to peace officers.

LEGISLATIVE COUNSEL'S DIGEST

SB 459, as amended, Grayson. Peace officers: confidential communications: *exceptions*: group peer support services.

Existing law, the Law Enforcement Peer Support and Crisis Referral Services Program, authorizes a local or regional law enforcement agency to establish a peer support and crisis referral program to provide an agencywide network of peer representatives available to aid fellow employees on emotional or professional issues. Under existing law, a law enforcement personnel has a right to refuse to disclose, and to prevent another from disclosing, a confidential communication, as defined, between the law enforcement personnel and a peer support team member while the peer support team member was providing peer support services, or a confidential communication made to a crisis hotline or crisis referral service, ~~except under limited circumstances.~~ *Existing law authorizes a confidential communication to be disclosed under specified circumstances, including a criminal proceeding.*

This bill would *authorize disclosure of a confidential communication in a juvenile delinquency proceeding.* The bill would additionally give

a law enforcement personnel the right to refuse to disclose, and to prevent another from disclosing, a confidential communication between the law enforcement personnel and a peer support team member while the peer support team member was providing group peer support services, as defined, and a confidential communication between law enforcement personnel recipients of group peer support services while a peer support team member or mental health professional provides group peer support services to those recipients. The bill would expand the definition of confidential communication to include the communication between law enforcement personnel recipients of group peer support services, as specified.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 8669.3 of the Government Code is
2 amended to read:
3 8669.3. For purposes of this article, the following terms have
4 the following meanings:
5 (a) “Confidential communication” means any information,
6 including, but not limited to, written or oral communication,
7 transmitted between a law enforcement personnel, a peer support
8 team member, or a crisis hotline or crisis referral service staff
9 member while the peer support team member provides peer support
10 services or the crisis hotline or crisis referral service staff member
11 provides crisis services, or between law enforcement personnel
12 recipients of group peer support services while a peer support team
13 member or mental health professional provides group peer support
14 services to those recipients, and in confidence by a means that, as
15 far as the law enforcement personnel is aware, does not disclose
16 the information to third persons other than those who are present
17 to further the interests of the law enforcement personnel in the
18 delivery of peer support services, including group peer support
19 services, or those to whom disclosures are reasonably necessary
20 for the transmission of the information or an accomplishment of
21 the purposes for which the peer support team member is providing
22 services. “Confidential communication” does not include a
23 communication in which the law enforcement personnel discloses
24 the commission of a crime or a communication in which the law

1 enforcement personnel's intent to defraud or deceive an
2 investigation into a critical incident is revealed.

3 (b) "Crisis referral services" include all public or private
4 organizations that provide consultation and treatment resources
5 for personal problems, including mental health issues, chemical
6 dependency, domestic violence, gambling, financial problems, and
7 other personal crises. Neither crisis referral services nor crisis
8 hotlines include services provided by an employee association,
9 labor relations representative, or labor relations organization, or
10 any entity owned or operated by an employee association, labor
11 relations representative, or labor relations organization.

12 (c) "Critical incident" means an event or situation that involves
13 crisis, disaster, trauma, or emergency.

14 (d) "Critical incident stress" means the acute or cumulative
15 psychological stress or trauma that law enforcement personnel
16 may experience in providing emergency services in response to a
17 critical incident. The stress or trauma is an unusually strong
18 emotional, cognitive, behavioral, or physical reaction that may
19 interfere with normal functioning and could lead to post-traumatic
20 stress injuries, including, but not limited to, one or more of the
21 following:

- 22 (1) Physical and emotional illness.
- 23 (2) Failure of usual coping mechanisms.
- 24 (3) Loss of interest in the job or normal life activities.
- 25 (4) Personality changes.
- 26 (5) Loss of ability to function.
- 27 (6) Psychological disruption of personal life, including their
28 relationship with a spouse, child, or friend.

29 (e) "Group peer support services" means peer support services,
30 as defined in subdivision (h), comprised of at least one peer support
31 team member or mental health professional and more than one
32 recipient of group peer support services.

33 (f) "Law enforcement agency" means a local or regional
34 department or agency, or any political subdivision thereof, that
35 employs a peace officer, as defined in Section 830 of the Penal
36 Code.

37 (g) "Law enforcement personnel" means an officer or employee
38 of a local or regional law enforcement agency.

39 (h) "Peer support services" means authorized peer support
40 services provided by a peer support team member to law

1 enforcement personnel and their immediate families affected by
2 a critical incident or the cumulative effect of witnessing multiple
3 critical incidents. Peer support services assist those affected by a
4 critical incident in coping with critical incident stress and
5 mitigating reactions to critical incident stress. Peer support services
6 may include one or more of the following:

- 7 (1) Precrisis education.
- 8 (2) Critical incident stress defusings.
- 9 (3) Critical incident stress debriefings.
- 10 (4) On-scene support services.
- 11 (5) One-on-one support services.
- 12 (6) Consultation.
- 13 (7) Referral services.
- 14 (8) Confidentiality obligations.
- 15 (9) The impact of toxic stress on health and well-being.
- 16 (10) Grief support.
- 17 (11) Substance abuse awareness and approaches.
- 18 (12) Active listening skills.

19 (i) “Peer support program” means a program administered by
20 a law enforcement agency to deliver peer support services to law
21 enforcement personnel.

22 (j) “Peer support team” means a law enforcement agency
23 response team composed of peer support team members.

24 (k) “Peer support team member” means a law enforcement
25 agency employee who has completed a peer support training course
26 or courses pursuant to Section 8669.6. Agency selection criteria
27 of peer support team members shall be incorporated into agency
28 policies.

29 SEC. 2. Section 8669.4 of the Government Code is amended
30 to read:

31 8669.4. (a) Except as provided in subdivision (b), a law
32 enforcement personnel, whether or not a party to an action, has a
33 right to refuse to disclose, and to prevent another from disclosing,
34 a confidential communication between the law enforcement
35 personnel and a peer support team member made while the peer
36 support team member was providing peer support services,
37 including group peer support services, a confidential
38 communication between law enforcement personnel recipients of
39 group peer support services made while a peer support team
40 member or mental health professional provides group peer support

1 services to those recipients, or a confidential communication made
2 to a crisis hotline or crisis referral service.

3 (b) Notwithstanding subdivision (a), a confidential
4 communication may be disclosed under the following
5 circumstances:

6 (1) To refer a law enforcement personnel to receive crisis referral
7 services by a peer support team member.

8 (2) During a consultation between two peer support team
9 members.

10 (3) If the peer support team member reasonably believes that
11 disclosure is necessary to prevent death, substantial bodily harm,
12 or commission of a crime.

13 (4) If the law enforcement personnel expressly agrees in writing
14 that the confidential communication may be disclosed.

15 (5) In a criminal *or juvenile delinquency* proceeding.

16 (6) If otherwise required by law.