

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: 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 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.

This 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~~ *support* team member while the peer support team member was providing group peer support services, as defined. The bill would also prohibit a recipient of peer support services from being examined as to any knowledge gained from other recipients of group

peer support services without the consent of the person to whom the information relates.

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, and in confidence by a means that, as far
12 as the law enforcement personnel is aware, does not disclose the
13 information to third persons other than those who are present to
14 further the interests of the law enforcement personnel in the
15 delivery of peer support services or those to whom disclosures are
16 reasonably necessary for the transmission of the information or an
17 accomplishment of the purposes for which the peer support team
18 member is providing services. “Confidential communication” does
19 not include a communication in which the law enforcement
20 personnel discloses the commission of a crime or a communication
21 in which the law enforcement personnel’s intent to defraud or
22 deceive an investigation into a critical incident is revealed.

23 (b) “Crisis referral services” include all public or private
24 organizations that provide consultation and treatment resources
25 for personal problems, including mental health issues, chemical
26 dependency, domestic violence, gambling, financial problems, and
27 other personal crises. Neither crisis referral services nor crisis
28 hotlines include services provided by an employee association,
29 labor relations representative, or labor relations organization, or
30 any entity owned or operated by an employee association, labor
31 relations representative, or labor relations organization.

32 (c) “Critical incident” means an event or situation that involves
33 crisis, disaster, trauma, or emergency.

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

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

(e) “Group peer support services” means peer support ~~interactions services, as defined in subdivision (h), comprised of at least one peer support team member or mental health professional and more than one recipient of group peer support services, including, but not limited to, any group meeting conducted or facilitated by one or more peer support team members or a mental health professional for the purpose of peer support of incident debriefing.~~ services.

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

(g) “Law enforcement personnel” means an officer or employee of a local or regional law enforcement agency.

(h) “Peer support services” means authorized peer support services provided by a peer support team member to law enforcement personnel and their immediate families affected by a critical incident or the cumulative effect of witnessing multiple critical incidents. Peer support services assist those affected by a critical incident in coping with critical incident stress and mitigating reactions to critical incident stress. Peer support services may include one or more of the following:

- (1) Precrisis education.
- (2) Critical incident stress defusings.
- (3) Critical incident stress debriefings.

- 1 (4) On-scene support services.
- 2 (5) One-on-one support services.
- 3 (6) Consultation.
- 4 (7) Referral services.
- 5 (8) Confidentiality obligations.
- 6 (9) The impact of toxic stress on health and well-being.
- 7 (10) Grief support.
- 8 (11) Substance abuse awareness and approaches.
- 9 (12) Active listening skills.

10 (i) “Peer support program” means a program administered by
11 a law enforcement agency to deliver peer support services to law
12 enforcement personnel.

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

15 (k) “Peer support team member” means a law enforcement
16 agency employee who has completed a peer support training course
17 or courses pursuant to Section 8669.6. Agency selection criteria
18 of peer support team members shall be incorporated into agency
19 policies.

20 SEC. 2. Section 8669.4 of the Government Code is amended
21 to read:

22 8669.4. (a) ~~(1) A~~ Except as provided in subdivision (b):

23 (1) A law enforcement personnel, whether or not a party to an
24 action, has a right to refuse to disclose, and to prevent another
25 from disclosing, a confidential communication between the law
26 enforcement personnel and a peer support team member made
27 while the peer support team member was providing peer support
28 services, including group peer support services, or a confidential
29 communication made to a crisis hotline or crisis referral service.

30 (2) A recipient of group peer support services shall not be
31 examined as to any knowledge gained from other recipients of
32 group peer support services without the consent of the person to
33 whom the information relates.

34 (b) Notwithstanding subdivision (a), a confidential
35 communication may be disclosed under the following
36 circumstances:

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

39 (2) During a consultation between two peer support team
40 members.

- 1 (3) If the peer support team member reasonably believes that
- 2 disclosure is necessary to prevent death, substantial bodily harm,
- 3 or commission of a crime.
- 4 (4) If the law enforcement personnel expressly agrees in writing
- 5 that the confidential communication may be disclosed.
- 6 (5) In a criminal proceeding.
- 7 (6) If otherwise required by law.

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