

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: 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 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.

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

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

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

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

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

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

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

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

37 (h) “Peer support services” means authorized peer support
38 services provided by a peer support team member to law
39 enforcement personnel and their immediate families affected by
40 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.
- (4) On-scene support services.
- (5) One-on-one support services.
- (6) Consultation.
- (7) Referral services.
- (8) Confidentiality obligations.
- (9) The impact of toxic stress on health and well-being.
- (10) Grief support.
- (11) Substance abuse awareness and approaches.
- (12) Active listening skills.

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

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

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

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

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

~~(1) A~~ ~~(b)~~, a law enforcement personnel, whether or not a party to an action, 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 made while the peer support team member was providing peer support services, including group peer support services, *a confidential communication between law enforcement personnel recipients of group peer support services made while a peer support team member or mental health professional provides group peer support services to those recipients*, or a confidential communication made to a crisis hotline or crisis referral service.

1 ~~(2) A recipient of group peer support services shall not be~~
2 ~~examined as to any knowledge gained from other recipients of~~
3 ~~group peer support services without the consent of the person to~~
4 ~~whom the information relates.~~

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

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

10 (2) During a consultation between two peer support team
11 members.

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

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

17 (5) In a criminal proceeding.

18 (6) If otherwise required by law.