

BILL ANALYSIS

C.S.H.B. 1681
By: Ashby
Homeland Security & Public Safety
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Concerns have been raised regarding the lack of confidentiality protections for police chaplains. There have been calls to provide these chaplains with increased protections by allowing the chaplains to participate in peer assistance programs, which are subject to certain confidentiality protections. C.S.H.B. 1681 seeks to bolster protections for police chaplains by authorizing local law enforcement agencies to establish such programs for chaplains.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1681 amends the Health and Safety Code to authorize a local law enforcement agency to establish a peer assistance program, including a chaplain program, for the purpose of providing peer counseling to an agency employee who is eligible to receive peer assistance services and whose ability to perform the employee's duties is affected by tragedy or difficulty in the employee's life. The bill authorizes a person who knows or suspects that an eligible agency employee has been affected by difficulty or tragedy to report the employee's name and any relevant information to the agency's peer assistance program, authorizes an agency that receives an initial report concerning an eligible employee to refer the employee to the agency's peer assistance program, and authorizes an agency's peer assistance program to provide peer assistance counseling services to an eligible agency employee.

C.S.H.B. 1681 provides for the confidentiality and authorized disclosure of any information, report, or record that a peer assistance program or agency receives, gathers, or maintains for the purposes of the program and makes Rule 505, Texas Rules of Evidence, regarding privilege for communications to a clergy member, applicable to a communication between an agency employee and a chaplain under the program. The bill grants a person who in good faith reports information or takes action in connection with the peer assistance program immunity from civil liability for reporting that information or taking the action and establishes that such immunity is in addition to other immunity provided by law. The bill's provisions expressly do not apply to certain other types of peer assistance programs.

EFFECTIVE DATE

September 1, 2019.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1681 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute includes a provision subjecting a communication between a law enforcement agency employee and a chaplain under a peer assistance program to Rule 505, Texas Rules of Evidence.