

By: Ashby

H.B. No. 1681

Substitute the following for H.B. No. 1681:

By: Burns

C.S.H.B. No. 1681

A BILL TO BE ENTITLED

AN ACT

relating to peer assistance programs for employees of local law enforcement agencies.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle B, Title 2, Health and Safety Code, is amended by adding Chapter 51 to read as follows:

CHAPTER 51. PEER ASSISTANCE PROGRAM FOR LOCAL LAW ENFORCEMENT

AGENCIES

Sec. 51.0001. DEFINITION. In this chapter, "eligible employee" means an employee of a local law enforcement agency 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.

Sec. 51.0002. OTHER PEER ASSISTANCE PROGRAMS. This chapter does not apply to:

(1) a peer assistance program for licensed physicians or pharmacists or any other profession that is authorized under other law to establish a peer assistance program; and

(2) a peer assistance program established under Chapter 467.

Sec. 51.0003. ESTABLISHMENT. A local law enforcement agency may establish a peer assistance program, including a chaplain program, for the purpose of providing peer counseling to the agency's eligible employees.

1 Sec. 51.0004. REPORT. A person who knows or suspects that
2 an eligible employee of a local law enforcement agency has been
3 affected by difficulty or tragedy may report the employee's name
4 and any relevant information to the agency's peer assistance
5 program.

6 Sec. 51.0005. ASSISTANCE TO ELIGIBLE EMPLOYEES. (a) A
7 local law enforcement agency that receives an initial report
8 concerning an eligible employee may refer the employee to the
9 agency's peer assistance program.

10 (b) A local law enforcement agency's peer assistance
11 program may provide peer assistance counseling services to an
12 eligible employee of the agency.

13 Sec. 51.0006. CONFIDENTIAL INFORMATION AND COMMUNICATION.
14 (a) Any information, report, or record that a peer assistance
15 program or local law enforcement agency receives, gathers, or
16 maintains under this chapter is confidential. Except as provided
17 by Subsection (b), a person may not disclose that information,
18 report, or record without written consent of the eligible employee
19 or other interested person.

20 (b) Information that is confidential under Subsection (a)
21 may be disclosed:

22 (1) to qualified personnel for bona fide research or
23 educational purposes only after information that would identify a
24 person is removed;

25 (2) to health care personnel to whom a peer assistance
26 program or local law enforcement agency has referred the eligible
27 employee; or

1 (3) to other health care personnel to the extent
2 necessary to meet a health care emergency.

3 (c) Rule 505, Texas Rules of Evidence, applies to a
4 communication between an employee of a law enforcement agency and a
5 chaplain under a peer assistance program established under this
6 chapter.

7 Sec. 51.0007. CIVIL IMMUNITY. (a) A person who in good
8 faith reports information or takes action in connection with a peer
9 assistance program is immune from civil liability for reporting
10 that information or taking the action.

11 (b) The immunity provided by this section is in addition to
12 other immunity provided by law.

13 SECTION 2. This Act takes effect September 1, 2019.