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SENATE BILL NO. 362

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee for Courts of Justice
on February 1, 2012)

(Patron Prior to Substitute—Senator Deeds)

A BILL to amend the Code of Virginia by adding in Article 1 of Chapter 16 of Title 19.2 a section numbered 19.2-271.4, relating to critical incident stress management teams; privileged communications by certain emergency medical services and public safety personnel; penalty.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 1 of Chapter 16 of Title 19.2 a section numbered 19.2-271.4 as follows:

§ 19.2-271.4. Privileged communications by certain public safety personnel; penalty.

A. A person who is a member of a critical incident stress management team, established pursuant to subdivision A 13 of § 32.1-111.3, shall not disclose, nor be compelled to testify regarding, any information communicated to him by emergency medical services or public safety personnel who are the subjects of peer support services regarding a critical incident. Such information shall also be exempt from the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).

B. A person whose communications are privileged under subsection A may waive the privilege.

C. A person who violates subsection A is guilty of a Class 2 misdemeanor.

D. The provisions of this section shall not apply when:

1. A member of a critical incident stress management team is a witness or a party to the critical incident that prompted the peer support services;

2. A member of a critical incident stress management team reveals the content of privileged information to prevent a crime against any other person or a threat to public safety;

3. The privileged information reveals intent to defraud or deceive the investigation into the critical incident; or

4. A member of a critical incident stress management team reveals the content of privileged information to the employer of the person whose communications are privileged under subsection A regarding criminal acts committed or information that would indicate that the person poses a threat to himself or to others.