

STATE OF TENNESSEE

PUBLIC CHAPTER NO. 332

SENATE BILL NO. 523

By McNally, Gresham, Ford

Substituted for: House Bill No. 1832

By Mike Turner, Todd, Ulysses Jones, Moore, Watson, Harry Brooks, Dean, Rich, Faulkner, Matheny, Larry Miller, Ty Cobb, Dunn, Evans

AN ACT to amend Tennessee Code Annotated, Title 24, Chapter 1, Part 2, relative to privileged communications.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 24, Chapter 1, Part 2, is amended by adding the following language as a new section thereto:

24-1-2__.

(a) As used in this section:

(1) "Crisis response services" means consultation, risk assessment, referral, and crisis intervention services provided by a critical incident stress management team to individuals affected by crisis or disaster;

(2) "Critical incident stress management team member or team leader," referred to also as "team member," or "team leader" means an individual specially trained to provide crisis response services as a member or leader of an organized community or local crisis response team that holds membership in registered critical incident stress management team;

(3) "Crisis intervention" means a session at which crisis response services are rendered by a critical incident stress management team member or leader during or after a crisis or disaster;

(4) "Registered team" means a team formally registered with a recognized training agency. For the purposes of this section, a recognized training agency shall include the International Critical Incident Stress Foundation, the National Organization for Victim Assistance, the American Red Cross, the Tennessee Public Safety Network, and other such organizations;

(5) "Training session" means a session providing crisis response training by a qualified trained trainer utilizing the standards established by the accrediting agencies set out in subdivision (a)(4); and

(6) "Volunteer" means a person who serves and receives no remuneration for services except reimbursement for actual expenses.

(b) All communications between a critical incident stress management team member or team leader providing, and a group participant or person participating in, a crisis intervention shall be considered confidential and no such person shall be required to disclose any such communication unless otherwise required by law or rule of court.

(c) Except as provided under subsection (d), no person, whether critical incident stress management team member, team leader or group participant providing or participating in a crisis intervention shall be required to testify or divulge any information obtained solely through such crisis intervention.

(d) The testimonial privilege established under subsection (c) shall not apply if any of the following are true:

(1) The communication indicates the existence of a danger to the individual who receives crisis response services or to any other person or persons;

(2) The communication indicates the existence of past or child abuse or neglect of the individual, abuse of an adult as defined in Title 71, Chapter 6, or family violence as defined in Title 71, Chapter 6, Part 2;

(3) The communication indicates the existence of past or present acts constituting an intentional tort or crime, provided the applicable statute of limitation has not expired on the act indicated; or

(4) All parties involved in the crisis intervention, including the individual or individuals who received crisis response services, expressly waive the privilege and consent to the testimony.

SECTION 2. This act shall take effect July 1, 2009, the public welfare requiring it.

PASSED: May 14, 2009



RON RAMSEY
SPEAKER OF THE SENATE



KENT WILLIAMS, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 1st day of June 2009



PHIL BREDESEN, GOVERNOR