



(Original Signature of Member)

116TH CONGRESS  
2D SESSION

**H. R.** \_\_\_\_\_

To make Federal law enforcement officer peer support communications confidential, and for other purposes.

\_\_\_\_\_  
IN THE HOUSE OF REPRESENTATIVES

Mr. TRONE introduced the following bill; which was referred to the Committee on \_\_\_\_\_  
\_\_\_\_\_

**A BILL**

To make Federal law enforcement officer peer support communications confidential, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Confidentiality Oppor-  
5 tunities for Peer Support Counseling Act” or the “COPS  
6 Counseling Act”.

7 **SEC. 2. CONFIDENTIALITY OF PEER SUPPORT COMMUNICA-**  
8 **TIONS.**

9 (a) DEFINITIONS.—In this section:

1           (1) LAW ENFORCEMENT AGENCY.—The term  
2           “law enforcement agency” means a Federal agency  
3           that employs a law enforcement officer.

4           (2) LAW ENFORCEMENT OFFICER.—The term  
5           “law enforcement officer” has the meaning given the  
6           term “Federal law enforcement officer” in section  
7           115 of title 18, United States Code.

8           (3) PEER SUPPORT COMMUNICATION.—The  
9           term “peer support communication” includes—

10           (A) an oral or written communication  
11           made in the course of a peer support counseling  
12           session;

13           (B) a note or report arising out of a peer  
14           support counseling session;

15           (C) a record of a peer support counseling  
16           session; or

17           (D) with respect to a communication made  
18           by a peer support participant in the course of  
19           a peer support counseling session, another com-  
20           munication, regarding the first communication,  
21           that is made between a peer support specialist  
22           and—

23                   (i) another peer support specialist;

24                   (ii) a staff member of a peer support  
25           counseling program; or

1 (iii) a supervisor of the peer support  
2 specialist.

3 (4) PEER SUPPORT COUNSELING PROGRAM.—

4 The term “peer support counseling program” means  
5 a program provided by a law enforcement agency  
6 that provides counseling services from a peer sup-  
7 port specialist to a law enforcement officer of the  
8 agency.

9 (5) PEER SUPPORT COUNSELING SESSION.—

10 The term “peer support counseling session” means  
11 any counseling formally provided through a peer  
12 support counseling program between a peer support  
13 specialist and one or more law enforcement officers.

14 (6) PEER SUPPORT PARTICIPANT.—The term  
15 “peer support participant” means a law enforcement  
16 officer who receives counseling services from a peer  
17 support specialist.

18 (7) PEER SUPPORT SPECIALIST.—The term  
19 “peer support specialist” means a law enforcement  
20 officer who—

21 (A) has received training in—

22 (i) peer support counseling; and

23 (ii) providing emotional and moral  
24 support to law enforcement officers who  
25 have been involved in or exposed to an

1           emotionally traumatic experience in the  
2           course of employment; and

3           (B) is designated by a law enforcement  
4           agency to provide the services described in sub-  
5           paragraph (A).

6           (b) PROHIBITION.—Except as provided in subsection  
7 (c), a peer support specialist or a peer support participant  
8 may not disclose the contents of a peer support commu-  
9 nication to an individual who was not a party to the peer  
10 support communication.

11          (c) EXCEPTIONS.—Subsection (b) shall not apply to  
12 a peer support communication if—

13           (1) the peer support communication contains—

14                   (A) an explicit threat of suicide;

15                   (B) an explicit threat of imminent and se-  
16           rious physical bodily harm or death to a clearly  
17           identified or identifiable individual;

18                   (C) information—

19                           (i) relating to the abuse or neglect  
20                   of—

21                                   (I) a child; or

22                                   (II) an older or vulnerable indi-  
23                   vidual; or

24                           (ii) that is required by law to be re-  
25                   ported; or

1 (D) an admission of criminal conduct;

2 (2) the disclosure is permitted by each peer  
3 support participant who was a party to, as applica-  
4 ble—

5 (A) the peer support communication;

6 (B) the peer support counseling session out  
7 of which the peer support communication arose;

8 (C) the peer support counseling session of  
9 which the peer support communication is a  
10 record; or

11 (D) the communication made in the course  
12 of a peer support counseling session that the  
13 peer support communication is regarding; or

14 (3) a court of competent jurisdiction issues an  
15 order or subpoena requiring the disclosure of the  
16 peer support communication.

17 (d) RULE OF CONSTRUCTION.—Nothing in sub-  
18 section (b) shall be construed to prohibit the disclosure  
19 of—

20 (1) an observation made by a law enforcement  
21 officer of a peer support participant outside of a  
22 peer support counseling session; or

23 (2) knowledge of a law enforcement officer  
24 about a peer support participant not gained from a  
25 peer support communication.

1 (e) DISCLOSURE OF RIGHTS.—Before the initial peer  
2 support counseling session of a peer support participant,  
3 a peer support specialist shall inform the peer support  
4 participant in writing of the confidentiality requirement  
5 under subsection (b) and the exceptions to the require-  
6 ment under subsection (c).

7 **SEC. 3. BEST PRACTICES AND SUPPORT.**

8 (a) DEFINITIONS.—In this section:

9 (1) FIRST RESPONDER.—The term “first re-  
10 sponder” has the meaning given the term “public  
11 safety officer” in section 1204 of title I of the Omni-  
12 bus Crime Control and Safe Streets Act of 1968 (34  
13 U.S.C. 10284).

14 (2) FIRST RESPONDER AGENCY.—The term  
15 “first responder agency” means a Federal, State,  
16 local, or Tribal agency that employs or otherwise en-  
17 engages the services of a first responder.

18 (3) PEER SUPPORT COUNSELING PROGRAM.—  
19 The term “peer support counseling program” means  
20 a program provided by a first responder agency that  
21 provides counseling services from a peer support spe-  
22 cialist to a first responder of the first responder  
23 agency.

24 (4) PEER SUPPORT PARTICIPANT.—The term  
25 “peer support participant” means a first responder

1       who receives counseling services from a peer support  
2       specialist.

3               (5) PEER SUPPORT SPECIALIST.—The term  
4       “peer support specialist” means a first responder  
5       who—

6               (A) has received training in—

7                       (i) peer support counseling; and

8                       (ii) providing emotional and moral  
9       support to first responders who have been  
10      involved in or exposed to an emotionally  
11      traumatic experience in the course of the  
12      duties of the first responder; and

13              (B) is designated by a first responder  
14      agency to provide the services described in sub-  
15      paragraph (A).

16      (b) REPORT ON BEST PRACTICES.—Not later than  
17      2 years after the date of enactment of this Act, the Attor-  
18      ney General, in coordination with the Secretary of Health  
19      and Human Services, shall develop a report on best prac-  
20      tices and professional standards for peer support coun-  
21      seling programs for first responder agencies that in-  
22      cludes—

23              (1) advice on—

24                      (A) establishing and operating peer sup-  
25      port counseling programs; and

1 (B) training and certifying peer support  
2 specialists;

3 (2) a code of ethics for peer support specialists;

4 (3) recommendations for continuing education  
5 for peer support specialists;

6 (4) advice on disclosing to first responders any  
7 confidentiality rights of peer support participants;

8 and

9 (5) information on—

10 (A) the different types of peer support  
11 counseling programs in use by first responder  
12 agencies;

13 (B) any differences in peer support coun-  
14 seling programs offered across categories of  
15 first responders; and

16 (C) the important role senior first respond-  
17 ers play in supporting access to mental health  
18 resources.

19 (c) IMPLEMENTATION.—The Attorney General shall  
20 support and encourage the implementation of peer support  
21 counseling programs in first responder agencies by—

22 (1) making the report developed under sub-  
23 section (b) publicly available on the website of the  
24 Department of Justice; and

1           (2) providing a list of peer support specialist  
2           training programs on the website of the Department  
3           of Justice.