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State of Minnesota

HOUSE OF REPRESENTATIVES

SPECIAL SESSION

H. F. No. 55

06/12/2020 Authored by Noor, Davnie, Hausman, Moran, Lee and others
The bill was read for the first time and referred to the Public Safety and Criminal Justice Reform Finance and Policy Division

1.1 A bill for an act
1.2 relating to public safety; prohibiting public safety critical incident stress
1.3 management information as evidence; reporting law enforcement use of force;
1.4 proposing coding for new law in Minnesota Statutes, chapters 181; 626; repealing
1.5 Minnesota Statutes 2018, section 181.973.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. [181.9731] CRITICAL INCIDENT STRESS MANAGEMENT.

1.8 Subdivision 1. Definitions. (a) For purposes of this section, the following terms have
1.9 the meanings given.

1.10 (b) "Crisis intervention services" means consultation, one-on-one peer counseling, peer
1.11 support activity, coaching, debriefings, defusings, management, prevention, referral suicide
1.12 and posttraumatic stress prevention, or resilience education and training provided by a
1.13 critical incident stress management team member or participant.

1.14 (c) "Critical incident" means an event that results in acute or cumulative psychological
1.15 stress or trauma to an emergency service provider.

1.16 (d) "Critical incident stress management" means a set of crisis intervention services for
1.17 emergency service providers to assist in coping with the stress and potential psychological
1.18 trauma resulting from a response to a critical incident or emotionally difficult events.

1.19 (e) "Emergency service provider" includes a peace officer, correctional officer, probation
1.20 officer, firefighter, rescue squad member, dispatcher, hospital or emergency medical clinic
1.21 personnel, or other person involved with public safety emergency services, either paid or
1.22 volunteer.

2.1 (f) "Critical incident stress management team" means a group organized to provide
2.2 critical incident stress management to emergency service providers. A critical incident stress
2.3 management team may include peer members from any emergency service discipline, mental
2.4 health professionals, and designated emergency service chaplains.

2.5 (g) "Peer support activity" means a group-process-oriented debriefing session or
2.6 one-to-one contact with a peer counselor trained in critical incident stress management.

2.7 Subd. 2. **Disclosure prohibited; exception.** (a) A critical incident stress management
2.8 team member or any other person involved in the provision or receipt of crisis intervention
2.9 services must not disclose any information obtained solely through the provision of or
2.10 receipt of such services to a third party.

2.11 (b) A critical incident stress management team member involved in the provision or
2.12 receipt of crisis intervention services may disclose information if the member reasonably
2.13 believes the disclosure is necessary to prevent harm to the person in receipt of services or
2.14 to prevent harm to another person.

2.15 Subd. 3. **Inadmissibility.** Any statement made during the provision or receipt of critical
2.16 incident stress management is not admissible in an administrative, civil, or criminal
2.17 proceeding.

2.18 Sec. 2. **[626.5534] USE OF FORCE REPORTING.**

2.19 Subdivision 1. **Report required.** A chief law enforcement officer must provide the
2.20 information requested by the Federal Bureau of Investigation about each incident of law
2.21 enforcement use of force resulting in serious bodily injury or death, as those terms are
2.22 defined in the Federal Bureau of Investigation's reporting requirements, to the superintendent
2.23 of the Bureau of Criminal Apprehension. The superintendent shall adopt a reporting form
2.24 for use by law enforcement agencies in making the report required under this section. The
2.25 report must include for each incident all of the information requested by the Federal Bureau
2.26 of Investigation.

2.27 Subd. 2. **Use of information collected.** A chief law enforcement officer must file the
2.28 report under subdivision 1 once a month in the form required by the superintendent. The
2.29 superintendent must summarize and analyze the information received and submit an annual
2.30 written report to the chairs and ranking minority members of the house of representatives
2.31 and senate committees with jurisdiction over public safety. The superintendent shall submit
2.32 the information to the Federal Bureau of Investigation.

3.1 Sec. 3. **REPEALER.**

3.2 Minnesota Statutes 2018, section 181.973, is repealed.

181.973 PUBLIC SAFETY PEER COUNSELING AND DEBRIEFING.

A person engaged in a public safety peer counseling or a public safety peer debriefing shall not, without the permission of the person being debriefed or counseled, be allowed to disclose any information or opinion which the peer group member or peer counselor has acquired during the process. However, this does not prohibit a peer counselor from disclosing information the peer counselor reasonably believes indicates that the person may be a danger to self or others, if the information is used only for the purpose of eliminating the danger to the person or others. Any information or opinion disclosed in violation of this paragraph is not admissible as evidence in any personnel or occupational licensing matter involving the person being debriefed or counseled.

For purposes of this section, "public safety peer counseling or debriefing" means a group process oriented debriefing session, or one-to-one contact with a peer counselor, held for peace officers, firefighters, medical emergency persons, dispatchers, or other persons involved with public safety emergency services, that is established by any agency providing public safety emergency services and is designed to help a person who has suffered an occupation-related trauma, illness, or stress begin the process of healing and effectively dealing with the person's problems or the use of the peer counselor for direction with referrals to better service these occupation-related issues. A "peer counselor" means someone so designated by that agency.