COMMITTEE REPORT

March 10, 2016

**H. 4878**

Introduced by Reps. Tallon, Allison, Bales, Anthony, Burns, Kennedy, Quinn, Chumley, Clary, Gagnon, Hixon and Loftis

S. Printed 3/10/16--H.

Read the first time February 10, 2016.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (H. 4878) to amend the Code of Laws of South Carolina, 1976, by adding Section 23‑3‑85 so as to provide that communications between a client and any member, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, Section 23‑3‑85(B), as contained in SECTION 1, by deleting line 41 on page 1 and inserting:

/compelled to testify with reference to any of these /

Renumber sections to conform.

Amend title to conform.

F. GREGORY DELLENEY, JR. for Committee.

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 23‑3‑85 SO AS TO PROVIDE THAT COMMUNICATIONS BETWEEN A CLIENT AND ANY MEMBER OF A PEER‑SUPPORT TEAM SHALL BE CONFIDENTIAL AND PRIVILEGED UNDER CERTAIN CIRCUMSTANCES.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Article 1, Chapter 3, Title 23 of the 1976 Code is amended by adding:

“Section 23‑3‑85. (A) As used in this section:

(1) ‘Client’ means a public safety employee or a public safety employee’s immediate family.

(2) ‘Immediate family’ means the spouse, child, stepchild, parent, or stepparent.

(3) ‘Peer‑support team’ means any critical incident support service provider who has received training to provide emotional and moral support to a client involved in a critical incident, including, but not limited to, chaplains, mental health professionals, and public safety peers.

(B) Notwithstanding any other provision of law, except as provided in subsection (C), communications between a client and any member of a peer‑support team, including other clients involved in the same peer‑support process, shall be confidential and privileged. No individual participating in the peer‑support process can be compelled to disclose any communication made in the course of the peer‑support process, and these individuals shall not be competent or compellable to testify with reference to any of these communications in any court.

(C) The confidentiality and privilege created by subsection (B) shall not apply when:

(1) the disclosure is authorized by the client making the disclosure, or, if the client is deceased, the disclosure is authorized by the client’s executor, administrator, or in the case of unadministrated estates, the client’s next of kin. This provision only applies to statements made by the client;

(2) the peer‑support team member was an initial responding officer, witness, or party to the critical incident;

(3) the communication was made when the member of the peer‑support team was not performing official duties in the peer‑support process; or

(4) the disclosure evidences a present threat to the client or to any other individual, or the disclosure constitutes an admission of a violation of state or federal law.

(D) Notwithstanding any other provision of law, this section does not require the disclosure of any otherwise privileged communications and does not relieve any mandatory reporting requirements.”

SECTION 2. This act takes effect upon approval by the Governor.

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