

(1) the term “law enforcement agency” means a Federal, State, Tribal, or local agency engaged in the prevention, detection, or investigation, prosecution, or adjudication of any violation of the criminal laws of the United States, a State, Tribal, or a political subdivision of a State;

(2) the term “law enforcement officer” means any current or former officer (including a correctional officer), agent, or employee of the United States, a State, Indian Tribe, or a political subdivision of a State authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of any violation of the criminal laws of the United States, a State, Indian Tribe, or a political subdivision of a State; and

(3) the term “State” means each of the several States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

(Pub. L. 116-143, §2, June 16, 2020, 134 Stat. 644.)

#### CHAPTER 509—CONFIDENTIALITY OPPORTUNITIES FOR PEER SUPPORT COUNSELING

Sec.

50901. Confidentiality of peer support communications.

50902. Best practices and support.

#### § 50901. Confidentiality of peer support communications

##### (a) Definitions

In this section:

##### (1) Law enforcement agency

The term “law enforcement agency” means a Federal agency that employs a law enforcement officer.

##### (2) Law enforcement officer

The term “law enforcement officer” has the meaning given the term “Federal law enforcement officer” in section 115 of title 18.

##### (3) Peer support communication

The term “peer support communication” includes—

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

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

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

(D) with respect to a communication made by a peer support participant in the course of a peer support counseling session, another communication, regarding the first communication, that is made between a peer support specialist and—

(i) another peer support specialist;

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

(iii) a supervisor of the peer support specialist.

##### (4) Peer support counseling program

The term “peer support counseling program” means a program provided by a law enforcement agency that provides counseling

services from a peer support specialist to a law enforcement officer of the agency.

##### (5) Peer support counseling session

The term “peer support counseling session” means any counseling formally provided through a peer support counseling program between a peer support specialist and 1 or more law enforcement officers.

##### (6) Peer support participant

The term “peer support participant” means a law enforcement officer who receives counseling services from a peer support specialist.

##### (7) Peer support specialist

The term “peer support specialist” means a law enforcement officer who—

(A) has received training in—

(i) peer support counseling; and

(ii) providing emotional and moral support to law enforcement officers who have been involved in or exposed to an emotionally traumatic experience in the course of employment; and

(B) is designated by a law enforcement agency to provide the services described in subparagraph (A).

##### (b) Prohibition

Except as provided in subsection (c), a peer support specialist or a peer support participant may not disclose the contents of a peer support communication to an individual who was not a party to the peer support communication.

##### (c) Exceptions

Subsection (b) shall not apply to a peer support communication if—

(1) the peer support communication contains—

(A) an explicit threat of suicide by an individual in which the individual—

(i) shares—

(I) an intent to die by suicide; and

(II) a plan for a suicide attempt or the means by which the individual plans to carry out a suicide attempt; and

(ii) does not solely share that the individual is experiencing suicidal thoughts;

(B) an explicit threat by an individual of imminent and serious physical bodily harm or death to another individual;

(C) information—

(i) relating to the abuse or neglect of—

(I) a child; or

(II) an older or vulnerable individual;

or

(ii) that is required by law to be reported; or

(D) an admission of criminal conduct;

(2) the disclosure is permitted by each peer support participant who was a party to, as applicable—

(A) the peer support communication;

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

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