

117TH CONGRESS
1ST SESSION

S. 1502

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

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

5 **SEC. 2. CONFIDENTIALITY OF PEER SUPPORT COMMUNICA-**
6 **TIONS.**

7 (a) DEFINITIONS.—In this section:

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

11 (2) LAW ENFORCEMENT OFFICER.—The term
12 “law enforcement officer” has the meaning given the
13 term “Federal law enforcement officer” in section
14 115 of title 18, United States Code.

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

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

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

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

24 (D) with respect to a communication made
25 by a peer support participant in the course of
26 a peer support counseling session, another com-

1 munication, regarding the first communication,
2 that is made between a peer support specialist
3 and—

4 (i) another peer support specialist;

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

7 (iii) a supervisor of the peer support
8 specialist.

9 (4) PEER SUPPORT COUNSELING PROGRAM.—

10 The term “peer support counseling program” means
11 a program provided by a law enforcement agency
12 that provides counseling services from a peer sup-
13 port specialist to a law enforcement officer of the
14 agency.

15 (5) PEER SUPPORT COUNSELING SESSION.—

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

20 (6) PEER SUPPORT PARTICIPANT.—The term

21 “peer support participant” means a law enforcement
22 officer who receives counseling services from a peer
23 support specialist.

1 (7) PEER SUPPORT SPECIALIST.—The term
2 “peer support specialist” means a law enforcement
3 officer who—

4 (A) has received training in—

5 (i) peer support counseling; and

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

11 (B) is designated by a law enforcement
12 agency to provide the services described in sub-
13 paragraph (A).

14 (b) PROHIBITION.—Except as provided in subsection
15 (c), a peer support specialist or a peer support participant
16 may not disclose the contents of a peer support commu-
17 nication to an individual who was not a party to the peer
18 support communication.

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

21 (1) the peer support communication contains—

22 (A) an explicit threat of suicide by an indi-
23 vidual in which the individual—

24 (i) shares—

1 (I) an intent to die by suicide;

2 and

3 (II) a plan for a suicide attempt

4 or the means by which the individual

5 plans to carry out a suicide attempt;

6 and

7 (ii) does not solely share that the indi-

8 vidual is experiencing suicidal thoughts;

9 (B) an explicit threat by an individual of

10 imminent and serious physical bodily harm or

11 death to another individual;

12 (C) information—

13 (i) relating to the abuse or neglect

14 of—

15 (I) a child; or

16 (II) an older or vulnerable indi-

17 vidual; or

18 (ii) that is required by law to be re-

19 ported; or

20 (D) an admission of criminal conduct;

21 (2) the disclosure is permitted by each peer

22 support participant who was a party to, as applica-

23 ble—

24 (A) the peer support communication;

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

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

6 (D) the communication made in the course
7 of a peer support counseling session that the
8 peer support communication is regarding;

9 (3) a court of competent jurisdiction issues an
10 order or subpoena requiring the disclosure of the
11 peer support communication; or

12 (4) the peer support communication contains
13 information that is required by law to be disclosed.

14 (d) RULE OF CONSTRUCTION.—Nothing in sub-
15 section (b) shall be construed to prohibit the disclosure
16 of—

17 (1) an observation made by a law enforcement
18 officer of a peer support participant outside of a
19 peer support counseling session; or

20 (2) knowledge of a law enforcement officer
21 about a peer support participant not gained from a
22 peer support communication.

23 (e) DISCLOSURE OF RIGHTS.—Before the initial peer
24 support counseling session of a peer support participant,
25 a peer support specialist shall inform the peer support

1 participant in writing of the confidentiality requirement
2 under subsection (b) and the exceptions to the require-
3 ment under subsection (c).

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

5 (a) DEFINITIONS.—In this section:

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

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

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

21 (4) PEER SUPPORT PARTICIPANT.—The term
22 “peer support participant” means a first responder
23 who receives counseling services from a peer support
24 specialist.

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

4 (A) has received training in—

5 (i) peer support counseling; and

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

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

14 (b) REPORT ON BEST PRACTICES.—Not later than
15 2 years after the date of enactment of this Act, the Attor-
16 ney General, in coordination with the Secretary of Health
17 and Human Services, shall develop a report on best prac-
18 tices and professional standards for peer support coun-
19 seling programs for first responder agencies that in-
20 cludes—

21 (1) advice on—

22 (A) establishing and operating peer sup-
23 port counseling programs; and

24 (B) training and certifying peer support
25 specialists;

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

2 (3) recommendations for continuing education
3 for peer support specialists;

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

7 (5) information on—

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

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

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

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

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

23 (2) providing a list of peer support specialist
24 training programs on the website of the Department
25 of Justice.

1 **SEC. 4. SENSE OF CONGRESS.**

2 It is the sense of Congress that Federal, State, local,
3 and Tribal police officers, sheriffs, and other law enforce-
4 ment officers across the United States who serve with
5 valor, dignity, and integrity deserve the gratitude and re-
6 spect of Congress.

Passed the Senate June 7, 2021.

Attest:

Secretary.

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