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,
SECTION 1. SHORT TITLE.

This Act may be cited as the “Confidentiality Opportunities for Peer Support Counseling Act” or the “COPS Counseling Act”.

SEC. 2. 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, United States Code.

(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 com-
munication, 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 indi-

vidual 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 indi-

vidual; or

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

ported; or

(D) an admission of criminal conduct;

(2) the disclosure is permitted by each peer

support participant who was a party to, as applica-

ble—

(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

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

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

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

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

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

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

(e) DISCLOSURE OF RIGHTS.—Before the initial peer
support counseling session of a peer support participant,
a peer support specialist shall inform the peer support
participant in writing of the confidentiality requirement under subsection (b) and the exceptions to the requirement under subsection (c).

SEC. 3. BEST PRACTICES AND SUPPORT.

(a) DEFINITIONS.—In this section:


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

(3) PEER SUPPORT COUNSELING PROGRAM.—The term “peer support counseling program” means a program provided by a first responder agency that provides counseling services from a peer support specialist to a first responder of the first responder agency.

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

(A) has received training in—

(i) peer support counseling; and

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

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

(b) REPORT ON BEST PRACTICES.—Not later than 2 years after the date of enactment of this Act, the Attorney General, in coordination with the Secretary of Health and Human Services, shall develop a report on best practices and professional standards for peer support counseling programs for first responder agencies that includes—

(1) advice on—

(A) establishing and operating peer support counseling programs; and

(B) training and certifying peer support specialists;
(2) a code of ethics for peer support specialists;
(3) recommendations for continuing education for peer support specialists;
(4) advice on disclosing to first responders any confidentiality rights of peer support participants; and
(5) information on—
   (A) the different types of peer support counseling programs in use by first responder agencies;
   (B) any differences in peer support counseling programs offered across categories of first responders; and
   (C) the important role senior first responders play in supporting access to mental health resources.

(c) IMPLEMENTATION.—The Attorney General shall support and encourage the implementation of peer support counseling programs in first responder agencies by—
   (1) making the report developed under subsection (b) publicly available on the website of the Department of Justice; and
   (2) providing a list of peer support specialist training programs on the website of the Department of Justice.
SEC. 4. SENSE OF CONGRESS.

It is the sense of Congress that Federal, State, local, and Tribal police officers, sheriffs, and other law enforcement officers across the United States who serve with valor, dignity, and integrity deserve the gratitude and respect of Congress.

Passed the Senate June 7, 2021.

Attest:

Secretary.
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S. 1502

117TH CONGRESS