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Amendment No. 2 to SB2635

**McNally
Signature of Sponsor**

AMEND Senate Bill No. 2635*

House Bill No. 2662

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 24, Chapter 1, Part 2, is amended by adding the following as a new section thereto:

24-1-212.

(a) As used in this section:

(1) "Crisis response services" means consultation, risk assessment, referral, and crisis intervention services provided by a critical incident stress management team to individuals affected by crisis or disaster;

(2) "Critical incident stress management team member" referred to as "team member" means an individual specially trained to provide crisis response services as a member of an organized community or local crisis response team that holds membership in a registered critical incident stress management team;

(3) "Crisis intervention" means a session at which crisis response services are rendered by a critical incident stress management team member during or after a crisis or disaster;

(4) "Registered team" means a team formally registered with a recognized training agency (i.e. International Critical Incident Stress Foundation, National Organization of Victims Assistance, National Red Cross, Tennessee Public Safety Network); and

(5) "Training Session" means a session providing crisis response training by a qualified trained trainer utilizing the standards established by the accrediting agencies set out in subdivision (4);

(b) All communications between a critical incident stress management team member or team leader providing, and a group participant or person participating in, a crisis intervention shall be considered confidential and no such person shall be required to disclose any such communication unless otherwise required by law or rule of court.

(c) Except as provided under subsection (d) below, no person, whether critical incident stress management team member, team leader or group participant providing or participating in a crisis intervention with a firefighter, law enforcement officer, EMT, county or municipal correctional officer, dispatcher or rescue squad member, whether volunteer or professional, shall be required to testify or divulge any information resulting from such crisis intervention as defined in subsection (a).

(d) The testimonial privilege established under subsection (c) of this section shall not apply if any of the following are true:

(1) The communication or advice indicates clear and present danger to the individual who receives crisis response services or to any other person or persons;

(2) The communication indicates cases in which there are indications of present or past child abuse or neglect of the individual; or

(3) All parties involved in the crisis intervention, including the individual or individuals who received crisis response services, expressly waive the privilege and consent to the testimony;

SECTION 2. This act shall take effect July 1, 2008, the public welfare requiring it.