

PUBLIC CHAPTER NO. 921

SENATE BILL NO. 2636

By McNally, Ford

Substituted for: House Bill No. 2661

By Hackworth, Ford

AN ACT to amend Tennessee Code Annotated, Title 29 and Title 63, relative to tort liability protection for crisis intervention.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 63, Chapter 6, Part 7, is amended by adding the following as a new section thereto:

§ 63-6-709.

(a)(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 also 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 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. For the purposes of this act, a recognized training agency shall include the International Critical Incident Stress Foundation, the National Organization for Victim Assistance, the National Red Cross, the Tennessee Public Safety Network, and other such organizations;

(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);

(6) "Volunteer" means a person who serves and receives no remuneration for services except reimbursement for actual expenses.

(b)(1) Any volunteer crisis response team member who participates in a crisis intervention shall not be liable in tort for any personal injuries or infliction of emotional distress of any participant to the crisis intervention that is caused by the act or an omission of a crisis response team member during the course of a crisis intervention.

(2) The provisions of subdivision (b)(1) shall not apply unless the intervention or training is conducted within generally accepted protocols of a registered team as defined by a nationally recognized accrediting agency.

(c) The tort immunity in subsection (b) does not apply if:

(1) The team member acted with actual malice or willful intent to injure the subject;

(2) The team member acted outside the scope of assigned duties;

(3) The team member acted without team coordination and dispatch;

(4) The action involved the commission of a crime;

(5) The action involved sexual harassment, sexual or physical abuse; or

(6) The actions involved any form of moral turpitude or moral misconduct within the normally accepted community standards.

(7) If damages resulted from gross negligence of the team member.

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

PASSED: April 29, 2008


RON RAMSEY
SPEAKER OF THE SENATE


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 15th day of May 2008


PHIL BREDESEN, GOVERNOR