

1       AN ACT relating to public safety.

2       *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3           ➔Section 1. KRS 508.025 is amended to read as follows:

4       (1) A person is guilty of assault in the third degree when the actor:

5           (a) Recklessly, with a deadly weapon or dangerous instrument, or intentionally  
6           causes or attempts to cause physical injury to:

7           1. A state, county, city, or federal peace officer;

8           2. An employee of a detention facility, or state residential treatment facility  
9           or state staff secure facility for residential treatment which provides for  
10           the care, treatment, or detention of a juvenile charged with or  
11           adjudicated delinquent because of a public offense or as a youthful  
12           offender;

13           3. A healthcare provider as defined in KRS 311.821 or other person  
14           employed by or under contract with a health clinic, doctor's office,  
15           dental office, long-term care facility, hospital, or a hospital-owned or  
16           affiliate outpatient facility, if the event occurs in or on the premises of a  
17           jail, penitentiary, local or state correctional or detention facility,  
18           including a facility which provides for the care, treatment, or  
19           detention of a juvenile charged with or adjudicated delinquent because  
20           of a public offense or as a youthful offender, health clinic, doctor's  
21           office, dental office, long-term care facility, hospital, or a hospital-  
22           owned or affiliate outpatient facility;

23           4. An employee of the Department for Community Based Services  
24           employed as a social worker to provide direct client services, if the  
25           event occurs while the worker is performing job-related duties;

26           5. Paid or volunteer emergency medical services personnel certified or  
27           licensed pursuant to KRS Chapter 311A, if the event occurs while

1 personnel are performing job-related duties;

2 6. A paid or volunteer member of an organized fire department, if the

3 event occurs while the member is performing job-related duties;

4 7. Paid or volunteer rescue squad personnel affiliated with the Division of

5 Emergency Management of the Department of Military Affairs or a

6 local disaster and emergency services organization pursuant to KRS

7 Chapter 39F, if the event occurs while personnel are performing job-

8 related duties;

9 8. A probation and parole officer;

10 9. A transportation officer appointed by a county fiscal court or legislative

11 body of a consolidated local government, urban-county government, or

12 charter government to transport inmates when the county jail or county

13 correctional facility is closed while the transportation officer is

14 performing job-related duties;

15 10. A public or private elementary or secondary school or school district

16 classified or certified employee, school bus driver, or other school

17 employee acting in the course and scope of the employee's employment;

18 or

19 11. A public or private elementary or secondary school or school district

20 volunteer acting in the course and scope of that person's volunteer

21 service for the school or school district;

22 (b) Being a person confined in a detention facility, or a juvenile in a state

23 residential treatment facility or state staff secure facility for residential

24 treatment which provides for the care, treatment, or detention of a juvenile

25 charged with or adjudicated delinquent because of a public offense or as a

26 youthful offender, inflicts physical injury upon or throws or causes feces, or

27 urine, or other bodily fluid to be thrown upon an employee of the facility; or

23 ➔ Section 2. KRS 65.1591 is amended to read as follows:

24 (1) As used in this section:

25 (a) "Peer support communication" means any oral or written communication

26 made in the course of, or application for, a peer support counseling session or

27 any communication by a peer support participant regarding the contents of a

1                   peer support counseling session to another peer support specialist, staff  
2                   member of a peer support counseling program, or the supervisor of a peer  
3                   support specialist;

4                   (b) "Peer support counseling program" means a program provided by a public  
5                   agency to provide counseling services from a peer support specialist to a  
6                   public safety employee;

7                   (c) "Peer support counseling session" means any counseling formally provided  
8                   through a peer support counseling program between a peer support specialist  
9                   and one (1) or more public safety employees;

10                   (d) "Peer support participant" means a public safety employee who receives  
11                   counseling services from a peer support specialist;

12                   (e) "Peer support specialist" means a public safety employee designated by the  
13                   public agency to provide peer support counseling who has received training in  
14                   both peer support counseling and in providing emotional and moral support to  
15                   public safety employees who have been in or exposed to an emotionally  
16                   traumatic experience in the course of employment;

17                   (f) "Public agency" has the same meaning as the entities listed in KRS  
18                   61.870~~[65.870(1)]~~; and

19                   (g) "Public safety employee" means an individual employed by a public agency  
20                   who:

21                   1. Serves as a police officer as defined by KRS 15.420(2)(a)1.;

22                   2. Serves as a jailer, deputy jailer, or a correctional officer employed by a  
23                   local detention center, local correctional facility, or regional jail;

24                   3. Serves in a position that is primarily engaged in firefighting activities,  
25                   whether paid or unpaid;

26                   4.~~3.~~ Serves as a certified telecommunicator as provided by KRS 15.560 to  
27                   15.565; or

1           5.[4.] Is licensed to provide emergency medical services as provided by KRS  
2           Chapter 311A.

3       (2) Any public agency may create and design a peer support counseling program to  
4           provide support to public safety employees who have been in or exposed to an  
5           emotionally traumatic experience in the course of employment.

6       (3) The content of any peer support communication shall remain confidential and shall  
7           not be disclosed to any individual who was not party to the peer support counseling  
8           session or peer support communication, except when the peer support  
9           communication contains:

10      (a) An explicit threat of suicide by a participant in which the participant shares an  
11           intent to die by suicide, a plan to carry out a suicide attempt, or discloses the  
12           means by which the participant intends to carry out a suicide attempt. This  
13           paragraph shall not apply to any peer support communication where the  
14           participant solely shares that the participant is experiencing suicidal thoughts;

15      (b) An explicit threat by a participant of imminent and serious physical and  
16           bodily harm or death to a clearly identified or reasonably identifiable victim;

17      (c) Information related to the abuse or neglect of a child or an older adult or  
18           vulnerable individual that is required by law to be reported;

19      (d) An admission of criminal conduct; or

20      (e) Information which is required by law to be disclosed.

21      (4) A peer support participant shall hold a privilege from disclosure of any peer support  
22           communication in any disciplinary proceeding or any civil or criminal proceeding  
23           unless it contains information exempted under subsection (3)(b), (c), (d), or (e) of  
24           this section. Under this privilege, the peer support communication shall be subject  
25           to the same protections as any counselor-client privilege provided under the  
26           Kentucky Rules of Evidence in any criminal or civil proceeding.

27      (5) ~~Nothing in subsection (3) or (4) of ]This section shall not be interpreted or~~

