
ENGROSSED SECOND SUBSTITUTE HOUSE BILL 2311

State of Washington

68th Legislature

2024 Regular Session

By House Appropriations (originally sponsored by Representatives Davis, Maycumber, Paul, Robertson, Callan, Mosbrucker, Goodman, Griffey, Stearns, Reed, Ryu, Couture, Ramel, Ortiz-Self, Eslick, Bateman, Riccelli, Timmons, Simmons, Fosse, Peterson, Pollet, and Shavers)

READ FIRST TIME 02/05/24.

1 AN ACT Relating to supporting first responder wellness and peer
2 support; amending RCW 5.60.060; adding new sections to chapter 43.101
3 RCW; creating a new section; providing an expiration date; and
4 declaring an emergency.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 43.101
7 RCW to read as follows:

8 (1) Subject to the availability of amounts appropriated for this
9 specific purpose, the commission shall convene a task force on first
10 responder wellness in Washington state. To the extent possible, the
11 membership of the task force should include representatives that
12 reflect the diversity of the first responder professions, including
13 diversity in geography, gender, sexuality, and race.

14 (2) The first responder wellness task force shall be cochaired by
15 the executive director of the commission, or the executive director's
16 designee, and a representative of the fire service, and consist of
17 the following additional membership:

18 (a) Two members from each of the following professions:

19 (i) Emergency medical services frontline providers;

20 (ii) Emergency dispatchers; and

21 (iii) Jail corrections officers;

- 1 (b) One member from each of the following entities:
- 2 (i) The Washington council of police and sheriffs;
- 3 (ii) The Washington state fraternal order of police;
- 4 (iii) The Washington state patrol troopers association;
- 5 (iv) The Washington state patrol lieutenants and captains
- 6 association;
- 7 (v) The Washington association of sheriffs and police chiefs;
- 8 (vi) The Washington state council of firefighters;
- 9 (vii) The Washington fire chiefs association;
- 10 (viii) The Washington state firefighters' association;
- 11 (ix) The department of labor and industries;
- 12 (x) The state board for volunteer firefighters and reserve
- 13 officers;
- 14 (xi) The state chapter of the association of public safety
- 15 communications officials;
- 16 (xii) The state chapter of the national emergency number
- 17 association; and
- 18 (xiii) International brotherhood of teamsters local 117;
- 19 (c) Two members representing the interests of tribal law
- 20 enforcement officers and agencies;
- 21 (d) Two members representing the interests of tribal first
- 22 responders;
- 23 (e) Two members from the Washington association of coroners and
- 24 medical examiners;
- 25 (f) One member from the University of Washington department of
- 26 psychiatry and behavioral sciences, who has implemented a regional
- 27 state-funded law enforcement officer wellness program;
- 28 (g) One member from the Washington federation of state employees,
- 29 representing the interests of the department of corrections'
- 30 community corrections officers;
- 31 (h) The chief of the Washington state patrol, or the chief's
- 32 designee;
- 33 (i) The secretary of the department of corrections, or the
- 34 secretary's designee; and
- 35 (j) Any other members that the commission determines should
- 36 participate in the task force to represent the interests of first
- 37 responders.
- 38 (3) The commission shall convene the initial meeting of the task
- 39 force no later than December 1, 2024.
- 40 (4) At a minimum, the task force shall meet quarterly.

1 (5) The task force shall:

2 (a) Monitor the implementation of this act;

3 (b) Evaluate the findings and recommendations of the task force
4 on law enforcement officer mental health and wellness in Washington
5 state as established under chapter 327, Laws of 2020 (SSB 6570), and
6 determine ways in which the task force on first responder wellness
7 may continue developing upon the recommendations of the task force on
8 law enforcement officer mental health and wellness; and

9 (c) Make recommendations to improve first responder wellness
10 across the first responder professions in the state.

11 (6)(a) The task force shall also develop and publish model
12 policies for first responder peer support services tailored to the
13 following first responder professions:

14 (i) Law enforcement officers;

15 (ii) Firefighters;

16 (iii) Emergency medical services frontline providers;

17 (iv) Emergency dispatchers;

18 (v) Corrections officers; and

19 (vi) Coroners and medical examiners.

20 (b) The task force must design the model policies to support
21 efforts to establish and expand peer support services opportunities
22 and networks for the professions specified under (a) of this
23 subsection, and to develop best practices and resources for peer
24 supporters from those professions.

25 (c) In developing the model policies, the task force must obtain
26 the services of an organization with expertise in peer emotional
27 support and peer workforce development to provide technical
28 assistance.

29 (d) The task force must publish the model policies by December
30 31, 2025.

31 (7) Beginning December 1, 2025, the task force shall submit an
32 annual report to the legislature on the status of its work.

33 (8) This section expires December 31, 2028.

34 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.101
35 RCW to read as follows:

36 (1) Subject to the availability of amounts appropriated for this
37 specific purpose, the commission shall contract with an organization
38 with expertise in peer emotional support and peer workforce
39 development to develop and administer a 40-hour training program for

1 first responder peer supporters. The contracting organization must
2 have prior experience developing peer support training for first
3 responders in the state.

4 (2) The contracting organization must engage in in-depth
5 consultation with law enforcement officers, corrections officers,
6 firefighters, emergency services dispatchers or recordkeepers, and
7 emergency medical personnel when developing the training program, and
8 compensate the first responders for their consultation.

9 (3) A portion of the training program's curriculum must be
10 relevant to all first responder professions, and a portion must be
11 specifically curated to address the unique needs of each first
12 responder profession.

13 (4) The contracting organization must complete development of the
14 training program and begin administering it by August 1, 2025.

15 (5) The contracting organization must utilize current or retired
16 first responders as cotrainers to deliver the training program.

17 (6) For the purposes of this section:

18 (a) "First responder" has the same meaning as defined in RCW
19 5.60.060; and

20 (b) "Peer supporter" has the same meaning as defined in RCW
21 5.60.060.

22 NEW SECTION. **Sec. 3.** A new section is added to chapter 43.101
23 RCW to read as follows:

24 (1) Subject to the availability of amounts appropriated for this
25 specific purpose, the commission shall contract with an organization
26 with expertise in mental health and substance use disorder counseling
27 and treatment of first responders to develop and administer training
28 for mental health and substance use disorder professionals to
29 engender familiarity and cultural competency in the treatment of
30 first responder clients.

31 (2) The contracting organization must consult with mental health
32 professionals, substance use disorder professionals, law enforcement
33 officers, corrections officers, firefighters, emergency services
34 dispatchers or recordkeepers, and emergency medical personnel when
35 developing the training.

36 (3) The contracting organization may develop the training to have
37 in-person, virtual, and hybrid participation options to expand
38 availability and accessibility of the training.

1 (4) The commission must direct the contracting organization to
2 offer a set number of training opportunities annually as determined
3 by the commission, provided free of charge, to mental health and
4 substance use disorder professionals who are interested in treating
5 first responder clients.

6 (5) For the purposes of this section, "first responder" has the
7 same meaning as defined in RCW 5.60.060.

8 NEW SECTION. **Sec. 4.** A new section is added to chapter 43.101
9 RCW to read as follows:

10 (1) Subject to the availability of amounts appropriated for this
11 specific purpose, the commission shall contract with an organization
12 that provides free and confidential crisis response and referral
13 services for Washington state active and retired first responders and
14 their families, to develop and maintain:

15 (a) A first responder peer support network, which may include
16 individual and group support options to help first responder peer
17 supporters address the vicarious trauma and secondary traumatic
18 stress incurred by performing their peer support duties; and

19 (b) A directory of licensed mental health and substance use
20 disorder professionals who have cultural competency, experience, and
21 training with treating first responders, which must indicate whether
22 such professionals have completed the training established under
23 section 3 of this act.

24 (2) The commission may also contract with an organization with
25 expertise in peer emotional support and peer workforce development to
26 provide technical assistance in developing the first responder peer
27 support network described in subsection (1)(a) of this section.

28 (3) For the purposes of this section:

29 (a) "First responder" has the same meaning as defined in RCW
30 5.60.060; and

31 (b) "Peer supporters" has the same meaning as defined in RCW
32 5.60.060.

33 NEW SECTION. **Sec. 5.** A new section is added to chapter 43.101
34 RCW to read as follows:

35 (1) Subject to the availability of amounts appropriated for this
36 specific purpose, the commission shall establish and administer a
37 grant program to provide funding to first responder entities and

1 agencies for the implementation or expansion of peer support services
2 programs.

3 (2) Any first responder entity or agency that receives funding
4 through the grant program must:

5 (a) Ensure that every peer supporter designated by the entity or
6 agency enrolls in and completes the 40-hour training program
7 established under section 2 of this act after it is made available;

8 (b) Compensate every peer supporter designated by the entity or
9 agency for their services in that role; and

10 (c) Provide information to every peer supporter designated by the
11 entity or agency about the first responder peer support network
12 established under section 4(1)(a) of this act.

13 (3) For the purposes of this section:

14 (a) "First responder" has the same meaning as defined in RCW
15 5.60.060; and

16 (b) "Peer supporter" has the same meaning as defined in RCW
17 5.60.060.

18 **Sec. 6.** RCW 5.60.060 and 2023 c 202 s 2 are each amended to read
19 as follows:

20 (1) A spouse or domestic partner shall not be examined for or
21 against his or her spouse or domestic partner, without the consent of
22 the spouse or domestic partner; nor can either during marriage or
23 during the domestic partnership or afterward, be without the consent
24 of the other, examined as to any communication made by one to the
25 other during the marriage or the domestic partnership. But this
26 exception shall not apply to a civil action or proceeding by one
27 against the other, nor to a criminal action or proceeding for a crime
28 committed by one against the other, nor to a criminal action or
29 proceeding against a spouse or domestic partner if the marriage or
30 the domestic partnership occurred subsequent to the filing of formal
31 charges against the defendant, nor to a criminal action or proceeding
32 for a crime committed by said spouse or domestic partner against any
33 child of whom said spouse or domestic partner is the parent or
34 guardian, nor to a proceeding under chapter 71.05 or 71.09 RCW:
35 PROVIDED, That the spouse or the domestic partner of a person sought
36 to be detained under chapter 71.05 or 71.09 RCW may not be compelled
37 to testify and shall be so informed by the court prior to being
38 called as a witness.

1 (2) (a) An attorney or counselor shall not, without the consent of
2 his or her client, be examined as to any communication made by the
3 client to him or her, or his or her advice given thereon in the
4 course of professional employment.

5 (b) A parent or guardian of a minor child arrested on a criminal
6 charge may not be examined as to a communication between the child
7 and his or her attorney if the communication was made in the presence
8 of the parent or guardian. This privilege does not extend to
9 communications made prior to the arrest.

10 (3) A member of the clergy, a Christian Science practitioner
11 listed in the Christian Science Journal, or a priest shall not,
12 without the consent of a person making the confession or sacred
13 confidence, be examined as to any confession or sacred confidence
14 made to him or her in his or her professional character, in the
15 course of discipline enjoined by the church to which he or she
16 belongs.

17 (4) Subject to the limitations under RCW 71.05.217 (6) and (7), a
18 physician or surgeon or osteopathic physician or surgeon or podiatric
19 physician or surgeon shall not, without the consent of his or her
20 patient, be examined in a civil action as to any information acquired
21 in attending such patient, which was necessary to enable him or her
22 to prescribe or act for the patient, except as follows:

23 (a) In any judicial proceedings regarding a child's injury,
24 neglect, or sexual abuse or the cause thereof; and

25 (b) Ninety days after filing an action for personal injuries or
26 wrongful death, the claimant shall be deemed to waive the physician-
27 patient privilege. Waiver of the physician-patient privilege for any
28 one physician or condition constitutes a waiver of the privilege as
29 to all physicians or conditions, subject to such limitations as a
30 court may impose pursuant to court rules.

31 (5) A public officer shall not be examined as a witness as to
32 communications made to him or her in official confidence, when the
33 public interest would suffer by the disclosure.

34 (6) (a) A peer (~~(support group counselor)~~) supporter shall not,
35 without consent of the peer support (~~(group client)~~) services
36 recipient making the communication, be compelled to testify about any
37 communication made to the (~~(counselor)~~) peer supporter by the peer
38 support (~~(group client)~~) services recipient while receiving
39 (~~(counseling)~~) individual or group services. The (~~(counselor)~~) peer
40 supporter must be designated as such by (~~(the)~~) their employing

1 agency (~~employing the peer support group client~~) prior to (~~the~~
2 ~~incident that results in counseling~~) providing peer support
3 services. The privilege only applies when the communication was made
4 to the (~~counselor~~) peer supporter while acting in his or her
5 capacity as a peer (~~support group counselor~~) supporter. The
6 privilege applies regardless of whether the peer support services
7 recipient is an employee of the same agency as the peer supporter.
8 Peer support services may be coordinated or designated among first
9 responder agencies pursuant to chapter 10.93 RCW, interlocal
10 agreement, or other similar provision, provided however that a
11 written agreement is not required for the privilege to apply. The
12 privilege does not apply if the (~~counselor~~) peer supporter was an
13 initial responding first responder, department of corrections staff
14 person, or jail staff person; a witness; or a party to the incident
15 which prompted the delivery of peer support (~~group counseling~~)
16 services to the peer support (~~group client~~) services recipient.

17 (b) For purposes of this section:

18 (i) "First responder" means:

19 (A) A law enforcement officer;

20 (B) A limited authority law enforcement officer;

21 (C) A firefighter;

22 (D) An emergency services dispatcher or recordkeeper;

23 (E) Emergency medical personnel, as licensed or certified by this
24 state; (~~or~~)

25 (F) A member or former member of the Washington national guard
26 acting in an emergency response capacity pursuant to chapter 38.52
27 RCW; or

28 (G) A coroner or medical examiner, or a coroner's or medical
29 examiner's agent or employee.

30 (ii) "Law enforcement officer" means a general authority
31 Washington peace officer as defined in RCW 10.93.020.

32 (iii) "Limited authority law enforcement officer" means a limited
33 authority Washington peace officer as defined in RCW 10.93.020 who is
34 employed by the department of corrections, state parks and recreation
35 commission, department of natural resources, liquor and cannabis
36 board, or Washington state gambling commission.

37 (iv) "Peer support (~~group client~~) services recipient" means:

38 (A) A first responder;

39 (B) A department of corrections staff person; or

40 (C) A jail staff person.

1 (v) "Peer (~~support group counselor~~) supporter" means:

2 (A) A first responder, retired first responder, department of
3 corrections staff person, or jail staff person or a civilian employee
4 of a first responder entity or agency, local jail, or state agency
5 who has received training to provide emotional and moral support and
6 (~~counseling~~) services to a peer support (~~group client~~) services
7 recipient who needs those services as a result of an incident or
8 incidents in which the peer support (~~group client~~) services
9 recipient was involved while acting in his or her official capacity
10 or to deal with other stress that is impacting the peer support
11 services recipient's performance of official duties; or

12 (B) A nonemployee (~~counselor~~) who has been designated by the
13 first responder entity or agency, local jail, or state agency to
14 provide emotional and moral support and counseling to a peer support
15 (~~group client~~) services recipient who needs those services as a
16 result of an incident or incidents in which the peer support (~~group~~
17 ~~client~~) services recipient was involved while acting in his or her
18 official capacity.

19 (7) A sexual assault advocate may not, without the consent of the
20 victim, be examined as to any communication made between the victim
21 and the sexual assault advocate.

22 (a) For purposes of this section, "sexual assault advocate" means
23 the employee or volunteer from a community sexual assault program or
24 underserved populations provider, victim assistance unit, program, or
25 association, that provides information, medical or legal advocacy,
26 counseling, or support to victims of sexual assault, who is
27 designated by the victim to accompany the victim to the hospital or
28 other health care facility and to proceedings concerning the alleged
29 assault, including police and prosecution interviews and court
30 proceedings.

31 (b) A sexual assault advocate may disclose a confidential
32 communication without the consent of the victim if failure to
33 disclose is likely to result in a clear, imminent risk of serious
34 physical injury or death of the victim or another person. Any sexual
35 assault advocate participating in good faith in the disclosing of
36 records and communications under this section shall have immunity
37 from any liability, civil, criminal, or otherwise, that might result
38 from the action. In any proceeding, civil or criminal, arising out of
39 a disclosure under this section, the good faith of the sexual assault

1 advocate who disclosed the confidential communication shall be
2 presumed.

3 (8) A domestic violence advocate may not, without the consent of
4 the victim, be examined as to any communication between the victim
5 and the domestic violence advocate.

6 (a) For purposes of this section, "domestic violence advocate"
7 means an employee or supervised volunteer from a community-based
8 domestic violence program or human services program that provides
9 information, advocacy, counseling, crisis intervention, emergency
10 shelter, or support to victims of domestic violence and who is not
11 employed by, or under the direct supervision of, a law enforcement
12 agency, a prosecutor's office, or the child protective services
13 section of the department of children, youth, and families as defined
14 in RCW 26.44.020.

15 (b) A domestic violence advocate may disclose a confidential
16 communication without the consent of the victim if failure to
17 disclose is likely to result in a clear, imminent risk of serious
18 physical injury or death of the victim or another person. This
19 section does not relieve a domestic violence advocate from the
20 requirement to report or cause to be reported an incident under RCW
21 26.44.030(1) or to disclose relevant records relating to a child as
22 required by RCW 26.44.030(15). Any domestic violence advocate
23 participating in good faith in the disclosing of communications under
24 this subsection is immune from liability, civil, criminal, or
25 otherwise, that might result from the action. In any proceeding,
26 civil or criminal, arising out of a disclosure under this subsection,
27 the good faith of the domestic violence advocate who disclosed the
28 confidential communication shall be presumed.

29 (9) A mental health counselor, independent clinical social
30 worker, or marriage and family therapist licensed under chapter
31 18.225 RCW may not disclose, or be compelled to testify about, any
32 information acquired from persons consulting the individual in a
33 professional capacity when the information was necessary to enable
34 the individual to render professional services to those persons
35 except:

36 (a) With the written authorization of that person or, in the case
37 of death or disability, the person's personal representative;

38 (b) If the person waives the privilege by bringing charges
39 against the mental health counselor licensed under chapter 18.225
40 RCW;

1 (c) In response to a subpoena from the secretary of health. The
2 secretary may subpoena only records related to a complaint or report
3 under RCW 18.130.050;

4 (d) As required under chapter 26.44 or 74.34 RCW or RCW 71.05.217
5 (6) or (7); or

6 (e) To any individual if the mental health counselor, independent
7 clinical social worker, or marriage and family therapist licensed
8 under chapter 18.225 RCW reasonably believes that disclosure will
9 avoid or minimize an imminent danger to the health or safety of the
10 individual or any other individual; however, there is no obligation
11 on the part of the provider to so disclose.

12 (10) An individual who acts as a sponsor providing guidance,
13 emotional support, and counseling in an individualized manner to a
14 person participating in an alcohol or drug addiction recovery
15 fellowship may not testify in any civil action or proceeding about
16 any communication made by the person participating in the addiction
17 recovery fellowship to the individual who acts as a sponsor except
18 with the written authorization of that person or, in the case of
19 death or disability, the person's personal representative.

20 (11)(a) Neither a union representative nor an employee the union
21 represents or has represented shall be examined as to, or be required
22 to disclose, any communication between an employee and union
23 representative or between union representatives made in the course of
24 union representation except:

25 (i) To the extent such examination or disclosure appears
26 necessary to prevent the commission of a crime that is likely to
27 result in a clear, imminent risk of serious physical injury or death
28 of a person;

29 (ii) In actions, civil or criminal, in which the represented
30 employee is accused of a crime or assault or battery;

31 (iii) In actions, civil or criminal, where a union member is a
32 party to the action, the union member may obtain a copy of any
33 statement previously given by that union member concerning the
34 subject matter of the action and may elicit testimony concerning such
35 statements. The right of the union member to obtain such statements,
36 or the union member's possession of such statements, does not render
37 them discoverable over the objection of the union member;

38 (iv) In actions, regulatory, civil, or criminal, against the
39 union or its affiliated, subordinate, or parent bodies or their
40 agents; or

1 (v) When an admission of, or intent to engage in, criminal
2 conduct is revealed by the represented union member to the union
3 representative.

4 (b) The privilege created in this subsection (11) does not apply
5 to any record of communications that would otherwise be subject to
6 disclosure under chapter 42.56 RCW.

7 (c) The privilege created in this subsection (11) may not
8 interfere with an employee's or union representative's applicable
9 statutory mandatory reporting requirements, including but not limited
10 to duties to report in chapters 26.44, 43.101, and 74.34 RCW.

11 (d) For purposes of this subsection:

12 (i) "Employee" means a person represented by a certified or
13 recognized union regardless of whether the employee is a member of
14 the union.

15 (ii) "Union" means any lawful organization that has as one of its
16 primary purposes the representation of employees in their employment
17 relations with employers, including without limitation labor
18 organizations defined by 29 U.S.C. Sec. 152(5) and 5 U.S.C. Sec.
19 7103(a)(4), representatives defined by 45 U.S.C. Sec. 151, and
20 bargaining representatives defined in RCW 41.56.030, and employee
21 organizations as defined in RCW 28B.52.020, 41.59.020, 41.80.005,
22 41.76.005, 47.64.011, and 53.18.010.

23 (iii) "Union representation" means action by a union on behalf of
24 one or more employees it represents in regard to their employment
25 relations with employers, including personnel matters, grievances,
26 labor disputes, wages, rates of pay, hours of employment, conditions
27 of work, or collective bargaining.

28 (iv) "Union representative" means a person authorized by a union
29 to act for the union in regard to union representation.

30 (v) "Communication" includes any oral, written, or electronic
31 communication or document containing such communication.

32 NEW SECTION. **Sec. 7.** Section 6 of this act is necessary for the
33 immediate preservation of the public peace, health, or safety, or
34 support of the state government and its existing public institutions,
35 and takes effect immediately.

36 NEW SECTION. **Sec. 8.** If specific funding for the purposes of
37 this act, referencing this act by bill or chapter number, is not

1 provided by June 30, 2024, in the omnibus appropriations act, this
2 act is null and void.

--- **END** ---