

SENATE BILL NO. 1745

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR LEWIS.

7394S.011

KRISTINA MARTIN, Secretary

AN ACT

To repeal section 590.192, RSMo, and to enact in lieu thereof one new section relating to the critical incident management program.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 590.192, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 590.192, to read as follows:

590.192. 1. There is hereby established the "Critical Incident Stress Management Program" within the department of public safety. The program shall provide services for peace officers and first responders to assist in coping with stress and potential psychological trauma resulting from a response to a critical incident or emotionally difficult event. Such services may include consultation, risk assessment, education, intervention, and other crisis intervention services provided by the department to peace officers and first responders affected by a critical incident. For purposes of this section, a "critical incident" shall mean any event outside the usual realm of human experience that is markedly distressing or evokes reactions of intense fear, helplessness, or horror and involves the perceived threat to a person's physical integrity or the physical integrity of someone else. For

17 purposes of this section, the term "first responder" shall
18 have the same meaning as first responder in section 190.1010.

19 2. All peace officers and first responders shall be
20 required to meet with a program service provider once every
21 three to five years for a mental health check-in, **or a**
22 **department established behavioral health or mental health**
23 **program that meets the requirements of subsection 1 which**
24 **shall satisfy this requirement.** The program service
25 provider shall send a notification to the peace officer's
26 commanding officer, **or first responder's commanding officer,**
27 or first responder's director or supervisor that he or she
28 completed such check-in.

29 3. Any information disclosed by a peace officer or
30 first responder shall be privileged and shall not be used as
31 evidence in criminal, administrative, or civil proceedings
32 against the peace officer or first responder unless:

33 (1) A program representative reasonably believes the
34 disclosure is necessary to prevent harm to a person who
35 received services or to prevent harm to another person;

36 (2) The person who received the services provides
37 written consent to the disclosure; or

38 (3) The person receiving services discloses
39 information that is required to be reported under mandatory
40 reporting laws.

41 4. (1) There is hereby created in the state treasury
42 the "988 Public Safety Fund", which shall consist of moneys
43 appropriated by the general assembly. The state treasurer
44 shall be custodian of the fund. In accordance with sections
45 30.170 and 30.180, the state treasurer may approve
46 disbursements. The fund shall be a dedicated fund and
47 moneys in the fund shall be used solely by the department of
48 public safety for the purposes of providing services for

49 peace officers and first responders to assist in coping with
50 stress and potential psychological trauma resulting from a
51 response to a critical incident or emotionally difficult
52 event pursuant to subsection 1 of this section. Such
53 services may include consultation, risk assessment,
54 education, intervention, and other crisis intervention
55 services provided by the department to peace officers or
56 first responders affected by a critical incident. The
57 director of public safety may prescribe rules and
58 regulations necessary to carry out the provisions of this
59 section. Any rule or portion of a rule, as that term is
60 defined in section 536.010, that is created under the
61 authority delegated in this section shall become effective
62 only if it complies with and is subject to all of the
63 provisions of chapter 536 and, if applicable, section
64 536.028. This section and chapter 536 are nonseverable and
65 if any of the powers vested with the general assembly
66 pursuant to chapter 536 to review, to delay the effective
67 date, or to disapprove and annul a rule are subsequently
68 held unconstitutional, then the grant of rulemaking
69 authority and any rule proposed or adopted after August 28,
70 2021, shall be invalid and void.

71 (2) Notwithstanding the provisions of section 33.080
72 to the contrary, any moneys remaining in the fund at the end
73 of the biennium shall not revert to the credit of the
74 general revenue fund.

75 (3) The state treasurer shall invest moneys in the
76 fund in the same manner as other funds are invested. Any
77 interest and moneys earned on such investments shall be
78 credited to the fund.

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