

1 SENATE BILL 371

2 **55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021**

3 INTRODUCED BY

4 William P. Soules

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10 AN ACT

11 RELATING TO LAW ENFORCEMENT; REQUIRING EACH LAW ENFORCEMENT
12 AGENCY TO ESTABLISH A MENTAL HEALTH WELLNESS PROGRAM FOR ITS
13 LAW ENFORCEMENT OFFICERS; ESTABLISHING PROGRAM REQUIREMENTS;
14 REQUIRING CONFIDENTIALITY.

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16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

17 SECTION 1. [NEW MATERIAL] MENTAL HEALTH WELLNESS PROGRAMS
18 FOR LAW ENFORCEMENT OFFICERS--STAFF--REQUIREMENTS.--

19 A. Each New Mexico law enforcement agency shall
20 establish a mental health wellness program to provide for the
21 mental health wellness of its law enforcement officers.

22 B. The law enforcement agency shall hire a licensed
23 psychologist to serve as the clinical director of the mental
24 health wellness program. The clinical director shall manage
25 the program and draft and make available to all personnel of

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1 the law enforcement agency a written procedures manual, which
2 shall provide program requirements.

3 C. The clinical director shall appoint law
4 enforcement officers from the law enforcement agency to serve
5 as volunteer peer support officers. At least two volunteer
6 peer support officers shall be appointed to serve at any time.
7 The clinical director shall ensure that at least one designated
8 volunteer peer support officer is available at any time to
9 provide peer support counsel to law enforcement officers
10 employed by the law enforcement agency.

11 D. To qualify as a volunteer peer support officer,
12 a law enforcement officer shall:

13 (1) participate in at least forty hours per
14 year of peer support training authorized by the clinical
15 director;

16 (2) have at least five years of full-time law
17 enforcement service; and

18 (3) be in good standing with the law
19 enforcement agency.

20 E. A peer support counseling session may be held by
21 phone, by audiovisual means or in person. Every law
22 enforcement officer shall participate in a peer support
23 counseling session at least twice per full calendar year of
24 employment.

25 F. After exposure to a significant traumatic event

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1 experienced by a law enforcement officer, as designated by the
2 clinical director, the law enforcement officer shall
3 participate in a peer support counseling session within
4 seventy-two hours of that event.

5 G. As used in this section, "law enforcement
6 agency" means:

- 7 (1) a city or municipal police department;
- 8 (2) a county sheriff's office;
- 9 (3) the New Mexico state police; or
- 10 (4) a police department established by a
11 university.

12 SECTION 2. [NEW MATERIAL] MENTAL HEALTH WELLNESS PROGRAM
13 CONFIDENTIALITY REQUIREMENTS.--

14 A. Except as provided in Subsections B and C of
15 this section, any communication made by a participant or
16 volunteer peer support officer in a peer support counseling
17 session pursuant to Section 1 of this 2021 act and any oral or
18 written information conveyed in or as the result of the peer
19 support counseling session:

20 (1) is confidential and shall not be disclosed
21 by any person providing counseling or assisting in providing
22 counseling during a peer support counseling session; and

23 (2) is not admissible in a judicial,
24 administrative, arbitration or other adjudicatory proceeding,
25 nor shall be subject to a subpoena.

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1 B. The provisions of Subsection A of this section
2 do not apply to:

3 (1) a threat of suicide or homicide made by a
4 law enforcement officer in a peer support counseling session or
5 information conveyed in a peer support counseling session
6 relating to a threat of suicide or homicide;

7 (2) information related to abuse of a child or
8 of an elderly person or other information that is required to
9 be reported by law; or

10 (3) an admission of criminal conduct.

11 C. Disclosure of information provided during a peer
12 counseling session and described in Subsection A of this
13 section is allowed:

14 (1) by a law enforcement officer who received
15 the peer support counseling; or

16 (2) upon express consent of the law
17 enforcement officer who received the peer support counseling.

18 D. Data collected for statistical research purposes
19 by the clinical director or a volunteer peer support officer
20 shall be maintained only for statistical research purposes and
21 may not contain any identifying information of a law
22 enforcement officer who received peer support counseling.

23 E. A breach of confidentiality by a volunteer peer
24 support officer shall be cause for discipline at the discretion
25 of the clinical director. A breach of confidentiality by the

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1 clinical director shall be cause for discipline at the
2 discretion of the law enforcement agency.

3 F. This section does not prohibit communication
4 between volunteer peer support officers who conduct peer
5 support counseling sessions, or any communications between
6 volunteer peer support counselors and the clinical director.

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