§ 8-53.10. Peer support group counselors.

(a) Definitions. – The following definitions apply in this section:

(1) Client law enforcement employee. – Any law enforcement employee or a member of his or her immediate family who is in need of and receives peer counseling services offered by the officer's employing law enforcement agency.

(1a) Emergency personnel officer. – Firefighting, search and rescue, or emergency medical service personnel, or any employee of any duly accredited State or local government agency possessing authority to enforce the criminal laws of the State who (i) is actively serving in a position with assigned primary duties and responsibilities for the prevention and detection of crime or the general enforcement of the criminal laws of the State and (ii) possesses the power of arrest by virtue of an oath administered under the authority of the State.

(1b) Corrections employee. – Any corrections employee or a member of his or her immediate family who is in need of and receives peer counseling services offered by the employee's corrections agency.

(2) Immediate family. – A spouse, child, stepchild, parent, or stepparent.

(3) Peer counselor. – Any active or retired law enforcement officer, corrections officer, emergency personnel officer, or civilian employee of a law enforcement agency, corrections agency, or emergency agency who meets both of the following criteria:

a. Has received training to provide emotional and moral support and counseling to client law enforcement employees, corrections employees, emergency personnel officers, and their immediate families.

b. Has been designated by a sheriff, police chief, or other head of a law enforcement, corrections, or emergency agency to provide counseling to client law enforcement employees, corrections employees, and emergency personnel officers.

(4) Privileged communication. – Any communication made by a client law enforcement employee, corrections employee, emergency personnel officer, or a member of the client law enforcement employee's, corrections employee's, or emergency personnel officer's immediate family to a peer counselor while receiving counseling.

(a1) Nothing in this section shall be construed to require the designation as a peer counselor required by sub-subdivision b. of subdivision (3) of subsection (a) of this section be made by the head of the same agency that employs the client law enforcement employee, corrections employee, or emergency personnel officer.

(b) A peer counselor shall not disclose any privileged communication that was necessary to enable the counselor to render counseling services unless one of the following apply:

(1) The disclosure is authorized by the client or, if the client is deceased, the disclosure is authorized by the client's executor, administrator, or in the case of unadministrated estates, the client's next of kin.

(2) The disclosure is necessary to the proper administration of justice and, subject to G.S. 8-53.6, is compelled by a resident or presiding judge. If the case is in district court the judge shall be a district court judge, and if the case is in superior court the judge shall be a superior court judge.

(c) The privilege established by this section shall not apply:

(1) If the peer counselor was an initial responding officer, a witness, or a party to the incident that prompted the delivery of peer counseling services.

(2) To communications made while the peer counselor was not acting in his or her official capacity as a peer counselor.

(3) To communications related to a violation of criminal law. This subdivision does not require the disclosure of otherwise privileged communications related to an officer's use of force.

(d) Notwithstanding the provisions of this section, the peer counselor privilege shall not be grounds for failure to report suspected child abuse or neglect to the appropriate county department of social services, or for failure to report a disabled adult suspected to be in need of protective services to the appropriate county department of social services. Notwithstanding the provisions of this section, the peer counselor privilege shall not be grounds for excluding evidence regarding the abuse or neglect of a child, or an illness of or injuries to a child, or the cause thereof, or for excluding evidence regarding the abuse, neglect, or exploitation of a disabled adult, or an illness of or injuries to a disabled adult, or the cause thereof, in any judicial proceeding related to a report pursuant to the Child Abuse Reporting Law, Article 3 of Chapter 7B, or to the Protection of the Abused, Neglected, or Exploited Disabled Adult Act, Article 6 of Chapter 108A of the General Statutes. (1999-374, s. 1; 2022-58, s. 5(a); 2023-121, s. 12(a).)