

State of Arizona
House of Representatives
Fifty-second Legislature
Second Regular Session
2016

CHAPTER 240

HOUSE BILL 2350

AN ACT

AMENDING TITLE 38, CHAPTER 6, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 38-962; REPEALING SECTION 38-962, ARIZONA REVISED STATUTES, AS ADDED BY THIS ACT; RELATING TO PUBLIC SAFETY EMPLOYEES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 38, chapter 6, article 1, Arizona Revised Statute, is
3 amended by adding section 38-962, to read:

4 38-962. Traumatic event counseling and therapy for public
5 safety employees: definitions

6 A. NOTWITHSTANDING ANY OTHER LAW, THIS STATE OR A POLITICAL
7 SUBDIVISION OF THIS STATE SHALL ESTABLISH A PROGRAM TO PROVIDE ANY OF THE
8 FOLLOWING PERSONS WHO ARE EXPOSED TO ANY ONE OF THE FOLLOWING EVENTS WHILE IN
9 THE COURSE OF DUTY UP TO TWELVE VISITS OF LICENSED COUNSELING, WHICH MAY BE
10 PROVIDED VIA TELEMEDICINE, PAID FOR BY THE EMPLOYER:

11 1. IN THE CASE OF THE PEACE OFFICER, THE USE OF DEADLY FORCE OR
12 SUBJECTION TO DEADLY FORCE IN THE LINE OF DUTY, REGARDLESS OF WHETHER THE
13 OFFICER WAS PHYSICALLY INJURED.

14 2. IN THE CASE OF A FIREFIGHTER, WITNESSING THE DEATH OF ANOTHER
15 FIREFIGHTER WHILE ENGAGED IN THE LINE OF DUTY.

16 3. IN THE CASE OF A PUBLIC SAFETY EMPLOYEE:

17 (a) VISUALLY WITNESSING THE DEATH OR MAIMING OR VISUALLY WITNESSING
18 THE IMMEDIATE AFTERMATH OF SUCH A DEATH OR MAIMING OF ONE OR MORE HUMAN
19 BEINGS.

20 (b) RESPONDING TO OR BEING DIRECTLY INVOLVED IN A CRIMINAL
21 INVESTIGATION OF A DANGEROUS CRIME AGAINST A CHILD PUNISHABLE UNDER SECTION
22 13-705.

23 (c) REQUIRING RESCUE IN THE LINE OF DUTY WHERE ONE'S LIFE WAS
24 ENDANGERED.

25 B. PAYMENT BY THE EMPLOYER FOR LICENSED COUNSELING PURSUANT TO THIS
26 SECTION DOES NOT CREATE A PRESUMPTION THAT A CLAIM IS COMPENSABLE UNDER
27 SECTION 23-1043.01, SUBSECTION B.

28 C. THIS SECTION DOES NOT APPLY TO A STATE EMPLOYER THAT PROVIDES A
29 PROGRAM TO ITS PUBLIC SAFETY EMPLOYEES THAT IS CHARACTERIZED BY ALL OF THE
30 FOLLOWING:

31 1. THE PROGRAM IS PAID FOR BY THE EMPLOYER.

32 2. THE PROGRAM PROVIDES LICENSED COUNSELING FOR ANY ISSUE. FOR
33 LICENSED COUNSELING RELATED TO TRAUMA EXPERIENCED WHILE IN THE LINE OF DUTY,
34 THE LICENSED COUNSELING IS PROVIDED ON THE REQUEST OF THE PUBLIC SAFETY
35 EMPLOYEE AND SHALL BE IN PERSON.

36 3. BEFORE JULY 1, 2017, THE PROGRAM OFFERS AT LEAST SIX VISITS PER
37 YEAR.

38 4. ON OR AFTER JULY 1, 2017, THE PROGRAM OFFERS AT LEAST TWELVE VISITS
39 PER YEAR.

40 D. FOR THE PURPOSES OF THIS SECTION:

41 1. "LICENSED COUNSELING" MEANS COUNSELING PROVIDED BY A LICENSED
42 MENTAL HEALTH PROFESSIONAL PURSUANT TO TITLE 32, CHAPTER 19.1 OR CHAPTER 33
43 IF LICENSEES UNDER TITLE 32, CHAPTER 33 HAVE TRAINING AND EXPERTISE IN
44 TREATING TRAUMA.

1 2. "PUBLIC SAFETY EMPLOYEE" MEANS:
2 (a) AN INDIVIDUAL WHO IS A MEMBER OF THE PUBLIC SAFETY PERSONNEL
3 RETIREMENT SYSTEM OR THE CORRECTIONS OFFICER RETIREMENT PLAN.
4 (b) A PROBATION OFFICER, SURVEILLANCE OFFICER OR JUVENILE DETENTION
5 OFFICER WHO IS EMPLOYED BY THIS STATE OR A POLITICAL SUBDIVISION OF THIS
6 STATE.
7 Sec. 2. Delayed repeal
8 Section 38-962, Arizona Revised Statutes, as added by this act, is
9 repealed from and after December 31, 2022.

APPROVED BY THE GOVERNOR MAY 12, 2016.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 12, 2016.