

House Engrossed Senate Bill

public safety employees; counseling; wellness

State of Arizona  
Senate  
Fifty-seventh Legislature  
Second Regular Session  
2026

## **CHAPTER 173**

# **SENATE BILL 1400**

AN ACT

AMENDING TITLE 38, CHAPTER 8, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 38-1121; AMENDING TITLE 41, CHAPTER 4, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-710.04; 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 8, article 1, Arizona Revised  
3 Statutes, is amended by adding section 38-1121, to read:

4 38-1121. Law enforcement agency; wellness program;  
5 confidentiality; definitions

6 A. A LAW ENFORCEMENT AGENCY IN THIS STATE MAY ESTABLISH A WELLNESS  
7 PROGRAM TO SUPPORT THE MENTAL HEALTH AND WELL-BEING OF THE LAW ENFORCEMENT  
8 AGENCY'S EMPLOYEES. THE WELLNESS PROGRAM MAY INCLUDE ALL OF THE  
9 FOLLOWING:

10 1. ACCESS TO LICENSED COUNSELING.

11 2. CRISIS RESPONSE SERVICES.

12 3. TRAINING, EQUIPMENT AND TECHNOLOGY NECESSARY FOR AN EMPLOYEE TO  
13 PERFORM THE EMPLOYEE'S JOB.

14 4. ANY OTHER SUPPORT SYSTEMS.

15 B. IF A LAW ENFORCEMENT AGENCY CREATES A WELLNESS PROGRAM FOR THE  
16 LAW ENFORCEMENT AGENCY'S EMPLOYEES, THE LAW ENFORCEMENT AGENCY SHALL  
17 ESTABLISH WRITTEN POLICIES AND PROCEDURES FOR THE PROGRAM.

18 C. ALL PROCEEDINGS, RECORDS, OPINIONS, CONCLUSIONS AND  
19 RECOMMENDATIONS ARISING FROM ANY ASPECT OF THE WELLNESS PROGRAM PURSUANT  
20 TO THIS SECTION ARE CONFIDENTIAL AND PRIVILEGED FROM DISCLOSURE EXCEPT IF  
21 ANY OF THE FOLLOWING OCCUR:

22 1. THE DESIGNATED PERSON WAIVES THE PERSON'S RIGHT TO  
23 CONFIDENTIALITY.

24 2. RELEVANT INFORMATION IS DISCLOSED IN RESPONSE TO A CLAIM MADE BY  
25 THE HOLDER OF THE PRIVILEGE AGAINST A LAW ENFORCEMENT AGENCY RELATED TO  
26 ANY PROGRAMS OR SERVICES PROVIDED BY THE WELLNESS PROGRAM.

27 3. ANY COMMUNICATIONS OR ADVICE GIVEN WITHIN THE PROGRAM INDICATES  
28 CLEAR AND PRESENT DANGER TO THE DESIGNATED PERSON OR TO ANY OTHER PERSON.

29 4. THE COMMUNICATION OR ADVICE IS MADE DURING THE COURSE OF A  
30 CRIMINAL INVESTIGATION.

31 5. THE DESIGNATED PERSON VIOLATES ANY OF THE LAW ENFORCEMENT  
32 AGENCY'S POLICIES AND THE VIOLATION AMOUNTS TO A VIOLATION OF LAWS THAT IS  
33 NORMALLY ENFORCED BY A LAW ENFORCEMENT AGENCY.

34 6. THE DESIGNATED PERSON WHO RECEIVED CRISIS RESPONSE SERVICES  
35 VOLUNTARILY TESTIFIES, IN WHICH CASE THE CRITICAL INCIDENT STRESS  
36 MANAGEMENT TEAM MEMBER OR PEER SUPPORT TEAM MEMBER MAY BE COMPELLED TO  
37 TESTIFY ON THE SAME SUBJECT.

38 D. THIS SECTION DOES NOT RESTRICT OR LIMIT THE RIGHT TO DISCOVER OR  
39 USE IN ANY CIVIL ACTION ANY EVIDENCE, DOCUMENT OR RECORD THAT IS SUBJECT  
40 TO DISCOVERY INDEPENDENTLY OF THE PROCEEDINGS OF THE WELLNESS PROGRAM.

41 E. FOR THE PURPOSES OF THIS SECTION:

42 1. "CRISIS RESPONSE SERVICES" HAS THE SAME MEANING PRESCRIBED IN  
43 SECTION 38-1111.

44 2. "DESIGNATED PERSON" MEANS A LAW ENFORCEMENT OFFICER OR A  
45 CIVILIAN EMPLOYEE OF A LAW ENFORCEMENT AGENCY.

1           3. "LAW ENFORCEMENT AGENCY" MEANS A MUNICIPAL POLICE DEPARTMENT, A  
2 COUNTY SHERIFF'S OFFICE, A PUBLICLY FUNDED LAW ENFORCEMENT DEPARTMENT AND  
3 THE DEPARTMENT OF PUBLIC SAFETY.

4           4. "LICENSED COUNSELING" MEANS COUNSELING PROVIDED BY A LICENSED  
5 MENTAL HEALTH PROFESSIONAL.

6           5. "LICENSED MENTAL HEALTH PROFESSIONAL" HAS THE SAME MEANING  
7 PRESCRIBED BY SECTION 38-672.

8           Sec. 2. Title 41, chapter 4, article 1, Arizona Revised Statutes,  
9 is amended by adding section 41-710.04, to read:

10          41-710.04. Crisis response services program: confidential  
11 communications; definitions

12          A. AN AGENCY IN THIS STATE MAY ESTABLISH A CRISIS RESPONSE SERVICES  
13 PROGRAM TO PROVIDE SUPPORT TO PUBLIC SAFETY EMPLOYEES WHO HAVE BEEN IN OR  
14 EXPOSED TO A TRAUMATIC EVENT OR AN EMOTIONAL EXPERIENCE IN THE COURSE OF  
15 EMPLOYMENT.

16          B. ANY CRISIS RESPONSE SERVICES COMMUNICATION SHALL REMAIN  
17 CONFIDENTIAL AND MAY NOT BE DISCLOSED TO ANY INDIVIDUAL WHO WAS NOT  
18 PRESENT AT THE CRISIS RESPONSE SERVICES SESSION, EXCEPT IF ANY OF THE  
19 FOLLOWING OCCURS AND THE COMMUNICATION IS NOT OTHERWISE PRIVILEGED:

20           1. THE DESIGNATED PERSON WAIVES THE PERSON'S RIGHT TO  
21 CONFIDENTIALITY.

22           2. ANY COMMUNICATIONS OR ADVICE GIVEN WITHIN THE PROGRAM INDICATES  
23 CLEAR AND PRESENT DANGER TO THE DESIGNATED PERSON OR TO ANY OTHER PERSON.

24           3. THE COMMUNICATION OR ADVICE IS MADE DURING THE COURSE OF A  
25 CRIMINAL INVESTIGATION.

26           4. THE DESIGNATED PERSON VIOLATES ANY OF THE AGENCY'S POLICIES AND  
27 THE VIOLATION AMOUNTS TO A VIOLATION OF LAWS THAT IS NORMALLY ENFORCED BY  
28 A LAW ENFORCEMENT AGENCY.

29           5. THE DESIGNATED PERSON WHO RECEIVED CRISIS RESPONSE SERVICES  
30 VOLUNTARILY TESTIFIES, IN WHICH CASE THE CRITICAL INCIDENT STRESS  
31 MANAGEMENT TEAM MEMBER OR PEER SUPPORT TEAM MEMBER MAY BE COMPELLED TO  
32 TESTIFY ON THE SAME SUBJECT.

33          C. A CRISIS RESPONSE SERVICES DESIGNATED PERSON SHALL HOLD A  
34 PRIVILEGE FROM DISCLOSURE OF ANY CRISIS RESPONSE SERVICES COMMUNICATION IN  
35 ANY DISCIPLINARY PROCEEDING OR ANY CIVIL OR CRIMINAL PROCEEDING UNLESS IT  
36 CONTAINS INFORMATION EXEMPTED PURSUANT TO SUBSECTION B OF THIS SECTION.  
37 UNDER THIS PRIVILEGE, THE CRISIS RESPONSE SERVICES COMMUNICATION IS  
38 SUBJECT TO THE SAME PROTECTIONS AS ATTORNEY-CLIENT PRIVILEGE.

39          D. THIS SECTION DOES NOT PROHIBIT ANY OF THE FOLLOWING:

40           1. THE AGENCY USING OR SHARING ANONYMOUS DATA FOR RESEARCH,  
41 STATISTICAL ANALYSIS OR EDUCATIONAL PURPOSES.

42           2. AN AGENCY EMPLOYEE'S DISCLOSURE OF AN OBSERVATION OF A CRISIS  
43 RESPONSE SERVICES DESIGNATED PERSON OUTSIDE OF A CRISIS RESPONSE SERVICES  
44 COUNSELING SESSION THAT IS NOT CONTAINED IN ANY CRISIS RESPONSE SERVICES  
45 COMMUNICATION.

1           3. AN AGENCY LAW ENFORCEMENT OFFICER'S DISCLOSURE OF KNOWLEDGE  
2 ABOUT A CRISIS RESPONSE SERVICES DESIGNATED PERSON THAT IS NOT GAINED FROM  
3 CRISIS RESPONSE SERVICES COMMUNICATION.

4           E. FOR THE PURPOSES OF THIS SECTION:

5           1. "CRISIS RESPONSE SERVICES" HAS THE SAME MEANING PRESCRIBED IN  
6 SECTION 38-1111.

7           2. "CRISIS RESPONSE SERVICES COMMUNICATION" MEANS ANY ORAL OR  
8 WRITTEN CRISIS RESPONSE SERVICES COMMUNICATION MADE IN THE COURSE OF, OR  
9 APPLICATION FOR, A COUNSELING SESSION OR ANY COMMUNICATION BY A CRISIS  
10 RESPONSE SERVICES DESIGNATED PERSON REGARDING THE CONTENTS OF A CRISIS  
11 RESPONSE SERVICES COUNSELING SESSION TO ANOTHER CRISIS RESPONSE SERVICES  
12 MEMBER, STAFF MEMBER OF A CRISIS RESPONSE SERVICES PROGRAM OR THE  
13 SUPERVISOR OF A CRISIS RESPONSE SERVICES PROGRAM.

14           3. "CRISIS RESPONSE SERVICES COUNSELING SESSION" MEANS ANY  
15 COUNSELING FORMALLY PROVIDED THROUGH A CRISIS RESPONSE SERVICES PROGRAM  
16 BETWEEN A CRISIS RESPONSE SERVICES MEMBER AND ONE OR MORE PUBLIC SAFETY  
17 EMPLOYEES.

18           4. "DESIGNATED PERSON" MEANS A LAW ENFORCEMENT OFFICER OR A  
19 CIVILIAN EMPLOYEE OF A LAW ENFORCEMENT AGENCY.

APPROVED BY THE GOVERNOR JUNE 19, 2026.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JUNE 22, 2026.