

House Engrossed Senate Bill

public safety employees; counseling; wellness

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

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.