
UNFINISHED BUSINESS

Bill No: SB 459
Author: Grayson (D)
Amended: 6/26/25 in Assembly
Vote: 21

SENATE PUBLIC SAFETY COMMITTEE: 6-0, 4/1/25
AYES: Arreguín, Seyarto, Caballero, Gonzalez, Pérez, Wiener

SENATE JUDICIARY COMMITTEE: 12-0, 5/6/25
AYES: Umberg, Niello, Allen, Arreguín, Ashby, Caballero, Durazo, Laird, Stern, Wahab, Weber Pierson, Wiener
NO VOTE RECORDED: Valladares

SENATE FLOOR: 34-0, 5/15/25 (Consent)
AYES: Allen, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Choi, Cortese, Dahle, Durazo, Gonzalez, Grayson, Hurtado, Jones, Laird, Limón, McGuire, McNerney, Menjivar, Niello, Ochoa Bogh, Pérez, Richardson, Seyarto, Smallwood-Cuevas, Stern, Strickland, Umberg, Valladares, Wahab, Weber Pierson, Wiener
NO VOTE RECORDED: Alvarado-Gil, Cervantes, Grove, Padilla, Reyes, Rubio

ASSEMBLY FLOOR: 72-0, 7/10/25 (Consent) - See last page for vote

SUBJECT: Peace officers: confidential communications: exceptions: group peer support services

SOURCE: Police Officers Research Association of California

DIGEST: This bill gives law enforcement personnel the right to refuse to disclose, and prevent another from disclosing, confidential communications between the law enforcement personnel and a peer support team member or another law enforcement personnel, as specified, and authorizes the disclosure of a confidential communication in a juvenile delinquency proceeding.

Assembly Amendments expand the definition of “confidential communication,” grants law enforcement personnel the right to refuse to disclose or prevent another from disclosing specified confidential communications, and provide that a confidential communication may be disclosed in a juvenile delinquency proceeding.

ANALYSIS:

Existing law:

- 1) Establishes the Law Enforcement Peer Support and Crisis Referral Program (hereinafter, “LEPS”). (Government (Gov.) Code, §§ 8669.1 et. seq.)
- 2) Provides that a local or regional law enforcement agency may establish a peer support and crisis referral program, which shall be responsible for providing an agency-wide network of peer representatives, reflective of the agency’s workforce both in job positions and personal experiences, who are available to come to the aid of their fellow employees on a broad range of emotional or professional issues. (Gov. Code, § 8669.2, subd. (a).)
- 3) Provides that the peer support and crisis referral program may provide employee support and referral services for matters including, but not limited to, the following: Substance use and substance abuse, critical incident stress, family issues, grief support, legal issues, line of duty deaths, serious injury or illness, suicide, victims of crime, workplace issues. (Gov. Code, § 8669.2, subd. (b).)
- 4) Provides that a law enforcement personnel, whether or not a party to an action, has a right to refuse to disclose, and to prevent another from disclosing, a confidential communication between the law enforcement personnel and a peer support team member made while the peer support team member was providing peer support services, or a confidential communication made to a crisis hotline or crisis referral service. (Gov. Code, § 8669.4, subd. (a).)
- 5) Provides that notwithstanding the provision above, a confidential communication may be disclosed under the following circumstances:
 - a) To refer a law enforcement personnel to receive crisis referral services by a peer support team member.
 - b) During a consultation between two peer support team members.

- c) If the peer support team member reasonably believes that disclosure is necessary to prevent death, substantial bodily harm, or commission of a crime.
 - d) If the law enforcement personnel expressly agrees in writing that the confidential communication may be disclosed.
 - e) In a criminal proceeding.
 - f) If otherwise required by law. (Gov. Code, § 8669.4, subd. (b).)
- 6) In order to be eligible for confidentiality protections afforded described above, requires peer support team members to complete a training course or courses approved by the law enforcement agency, as specified. (Gov. Code, § 8669.6.)
- 7) Sets forth several definitions for the purposes of the Law Enforcement Peer Support and Crisis Referral Program. (Gov. Code, § 8669.3.)

This bill:

- 1) Expands the definition of “confidential communication” for purposes of LEPS to include information transmitted between law enforcement personnel recipients of group peer support services while a peer support team member or mental health professional provides group peer support services to those recipients.
- 2) Defines “Group peer support services” as peer support services, as defined in existing law, comprised of at least one peer support team member or mental health professional and more than one recipient of group peer support services.
- 3) Expands the right of law enforcement personnel to refuse to disclose certain communications made while participating in peer support programs to include both of the following:
 - a) Confidential communications between the law enforcement personnel and a peer support team member made while the peer support team member was providing group peer support services;
 - b) Confidential communications between law enforcement personnel recipients of group peer support services made while a peer support team member or mental health professional provides group peer support services to those recipients.

- 4) Clarifies that, notwithstanding the protection provided by LEPS, a confidential communication may be disclosed in a juvenile delinquency proceeding.

Comments

In 2018, the author of this bill authored AB 1116, a first attempt at establishing LEPS, which would have, among other things, provided that a communication made by emergency service personnel or a peer support team member while that team member provides peer support services is confidential and shall not be disclosed in a civil, administrative, or arbitration proceeding. However, the bill allowed for the disclosure of such a communication in specified circumstances, including for consultation between peer support services team members, to prevent death, substantial bodily harm or commission of a crime, with consent, or if otherwise permitted under the policy of a governing body. AB 1116 was vetoed by then-Governor Jerry Brown, whose veto message included the following:

I appreciate the author's sincere attempt to address the occupational stress experienced by some of our bravest public servants. However, I believe that the scope of confidentiality afforded under this bill is too broad and fails to strike the right balance between fostering collegial trust and concealing information necessary to ensure safe and healthy workplaces.

The following year, in 2019, Governor Newsom signed AB 1117, also authored by the author of this bill. AB 1117 established the LEPS program initially envisioned in AB 1116, the central piece of which is a grant of authority for local or regional law enforcement agencies to establish a peer support and crisis referral program, which “shall be responsible for providing an agency wide network of peer representatives, reflective of the agency’s workforce both in job positions and personal experiences, who are available to come to the aid of their fellow employees on a broad range of emotional or professional issues.” AB 1116 included a limitation of liability for peer support services team members, provisions limiting when team members may provide support services (i.e. situations involving conflicts of interest), and a requirement that team members complete a training requirement prior to the provision of services.

Regarding confidentiality, AB 1116 provided that a law enforcement personnel, whether or not a party to an action, has a right to refuse to disclose, and to prevent another from disclosing, a confidential communication between the law enforcement personnel and a peer support team member made while the peer support team member was providing peer support services, or a confidential communication made to a crisis hotline or crisis referral service. However, AB

1116 allowed for the disclosure of such statements in a broader range of circumstances than specified in AB 1117, including to refer a law enforcement personnel to receive crisis referral services, in a criminal proceeding, or if otherwise required by law, in addition to the circumstances laid out in AB 1117 (consultation, to prevent death/substantial bodily harm/crime, and consent).

This bill expands the applicability of the LEPS confidentiality protection enacted by AB 1116 to “group peer support services,” which the bill defines as “peer support interactions comprised of at least one peer support team member or mental health professional and more than one recipient of group peer support services.” The bill specifies that law enforcement personnel, whether or not a party to an action, has a right to refuse to disclose, and to prevent another from disclosing, a confidential communication between the personnel and a peer support team member while the team member was provided group peer support services, as well as a confidential communication between law enforcement personnel recipients of group peer support services made while a peer support team member or mental health professional provides group peer support services to those recipients.

FISCAL EFFECT: Appropriation: No Fiscal Com.: No Local: No

SUPPORT: (Verified 7/11/25)

Peace Officers Research Association of California (Source)

Arcadia Police Officers' Association

Brea Police Association

Burbank Police Officers' Association

California Association of Highway Patrolmen

California Coalition of School Safety Professionals

California Narcotic Officers' Association

California Reserve Peace Officers Association

California State Sheriffs' Association

Claremont Police Officers Association

Corona Police Officers Association

Culver City Police Officers' Association

Fullerton Police Officers' Association

Los Angeles County Professional Peace Officers Association

Los Angeles School Police Officers Association

Murrieta Police Officers' Association

Newport Beach Police Association

Palos Verdes Police Officers Association

Placer County Deputy Sheriffs' Association

Pomona Police Officers' Association
Riverside Police Officers Association
Riverside Sheriffs' Association
Santa Ana Police Officers Association

OPPOSITION: (Verified 7/11/25)

None received

ASSEMBLY FLOOR: 72-0, 7/10/25

AYES: Addis, Aguiar-Curry, Ahrens, Alvarez, Arambula, Ávila Farías, Bains, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Castillo, Chen, Connolly, Davies, DeMaio, Dixon, Elhawary, Ellis, Fong, Gabriel, Garcia, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Kalra, Krell, Lackey, Lee, Lowenthal, Macedo, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Celeste Rodriguez, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Ta, Tangipa, Valencia, Wallis, Ward, Wicks, Wilson, Zbur

NO VOTE RECORDED: Alanis, Bauer-Kahan, Carrillo, Flora, Gallagher, Gipson, Rivas

Prepared by: Alex Barnett / PUB. S. /
7/11/25 15:17:41

**** **END** ****