

Senate Engrossed House Bill

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

**FILED**  
**MICHELE REAGAN**  
**SECRETARY OF STATE**

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 safety  
5 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.

Passed the House March 1, 20 16

Passed the Senate April 27, 2016

by the following vote: 59 Ayes,

by the following vote: 25 Ayes,

0 Nays, 1 Not Voting

0 Nays, 5 Not Voting

*[Signature]*

Speaker of the House

Pro Tempore

*[Signature]*  
Chief Clerk of the House

*[Signature]*

President of the Senate

*[Signature]*  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill received by the Governor this

\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary to the Governor

Approved this \_\_\_\_\_ day of

\_\_\_\_\_

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_

Secretary of State

H.B. 2350

HOUSE CONCURS IN SENATE  
AMENDMENTS AND FINAL PASSAGE

\_\_\_\_\_ May 6, 2016,

by the following vote: 54 Ayes,

0 Nays, 6 Not Voting

\_\_\_\_\_  
[Signature]  
Speaker of the House

\_\_\_\_\_  
[Signature]  
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

6 day of May, 2016,

at 8:18 o'clock P. M.

\_\_\_\_\_  
[Signature]  
Secretary to the Governor

Approved this 12th day of

May, 2016,

at 9:44 o'clock A. M.

\_\_\_\_\_  
[Signature]  
Governor of Arizona

H.B. 2350

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 13 day of May, 2016,

at 8:34 o'clock A M.

\_\_\_\_\_  
[Signature]  
Secretary of State