

Colorado Revised Statutes (C.R.S.) 13-90-107. **Who may not testify without consent**

Subsection (m) of C.R.S. 13-90-107 *Who may not testify without consent* was enacted into law in 2005. Major amendments: C.R.S. 13-90-107(m) was amended to include “emergency medical service provider or rescue unit peer support team member” in 2013. In 2017, it was amended to remove the “individual interactions” restriction. In 2022, provisions for district attorney and public defender peer support teams were added. In 2024, it was amended to consolidate peer support team paragraphs, clarify the “without consent” provision for recipients of group peer support, and define “group peer support team services” (effective August 2024).

C.R.S. 13-90-107(m):

(1) There are particular relations in which it is the policy of the law to encourage confidence and to preserve it inviolate; therefore, a person must not be examined as a witness in the following cases:

(m) (I) A law enforcement or firefighter peer support team member, emergency medical service provider or rescue unit peer support team member, or district attorney or public defender peer support team member must not be examined without the consent of the person to whom peer support services have been provided as to any communication made by the person to the peer support team member under the circumstances described in subsection (1) (m) (IV) of this section; nor is a recipient of peer support services to be examined as to any such communication without the recipient's consent.

(II) Recipients of group peer support services must not be examined as to any knowledge gained from other recipients of group peer support services without the consent of the person to whom the knowledge relates.

(III) As used in this subsection (1)(m):

(A) "Communication" means an oral statement, written statement, note, record, report, or document, made during, or arising out of, a meeting with a peer support team member.

(B) "District attorney or public defender peer support team member" means an employee of a district attorney's office or a public defender's office who has been trained in peer support skills and who is officially designated by a district attorney or the state public defender as a member of a district attorney's office peer support team or an office of the state public defender peer support team.

(C) "Emergency medical service provider or rescue unit peer support team member" means an emergency medical service provider, as defined in section 25-3.5-103, a regular or volunteer member of a rescue unit, as defined in section 25-3.5-103, or other person who has been trained in peer support skills and who is officially designated by the supervisor of an emergency medical service agency as defined in section 25-3.5-103, or a chief of a rescue unit as a member of an emergency medical service provider's peer support team or rescue unit's peer support team.

(D) "Group peer support services" means peer support interactions comprised of at least one peer support member and more than one recipient of group peer support services, and includes any group meeting conducted or facilitated by one or more peer support team members for the purpose of peer support or incident debriefing.

(E) "Law enforcement or firefighter peer support team member" means a peace officer, civilian employee, or volunteer member of a law enforcement agency or a regular or volunteer member of a fire department or other person who has been trained in peer support skills and who is officially designated by a police chief, the chief of the Colorado state patrol, a sheriff, or a fire chief as a member of a law enforcement agency's peer support team or a fire department's peer support team.

(IV) This subsection (1) (m) applies only to communications made during interactions conducted by a peer support team member:

(A) Acting in the person's official capacity as a law enforcement or firefighter peer support team member, emergency medical service provider or rescue unit peer support team member, or district attorney or public defender peer support team member; and

(B) Functioning within the written peer support guidelines that are in effect for the person's respective law enforcement agency, fire department, emergency medical service agency, rescue unit, district attorney's office, or public defender's office.

(V) This subsection (1) (m) does not apply in cases in which:

(A) A law enforcement or firefighter peer support team member, emergency medical service provider, rescue unit peer support team member, or district attorney or public defender peer support team member was a witness or a party to an incident which prompted the delivery of peer support services;

(B) Information received by a peer support team member is indicative of actual or suspected child abuse, as described in section 18-6-401, actual or suspected child neglect, as described in section 19-3-102, or actual or suspected crimes against at-risk persons, as described in section 18-6.5-103;

(C) Due to intoxication by alcohol, being under the influence of drugs, or incapacitation by substances as described in section 27-81-111, the person receiving peer support is a clear and immediate danger to the person's self or others;

(D) There is reasonable cause to believe that the person receiving peer support has a mental health disorder and, due to the mental health disorder, is an imminent threat to himself or herself or others or is gravely disabled as defined in section 27-65-102; or

(E) There is information indicative of any criminal conduct.