

45: 14B-28

LEGISLATIVE HISTORY CHECKLIST

NJSA 45:14B-28;2A:84-23 (Confidential communications--psychologists--group and family counseling)

LAWS 1981 CHAPTER 303

Bill No. S1295

Sponsor(s) Feldman

Date Introduced May 19, 1980

Committee: Assembly Commerce, Industry and Professions

Senate Labor, Industry and Professions

Amended during passage Yes ~~XX~~ Amendments during passage denoted by asterisks

Date of Passage: Assembly June 15, 1981

Senate January 26, 1981

Date of approval November 11, 1981

Following statements are attached if available:

Sponsor statement Yes ~~XX~~ (Below)

Committee Statement: Assembly Yes ~~XX~~

Senate Yes ~~XX~~

Fiscal Note ~~Yes~~ No

Veto Message ~~Yes~~ No

Message on signing Yes ~~XX~~

Following were printed:

Reports ~~Yes~~ No

Hearings ~~Yes~~ No

Sponsor's statement:

This bill places the communications between a licensed practicing psychologist and couples, families or groups with whom he engages in the practice of psychology on the same privileged basis as communications between the psychologist and an individual.

6/22/81

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SENATE, No. 1295

STATE OF NEW JERSEY

INTRODUCED MAY 19, 1980

By Senator FELDMAN

Referred to Committee on Labor, Industry and Professions

AN ACT ***[to amend]*** **concerning certain privileged communications and amending** the "Practicing Psychology Licensing Act," approved September 12, 1966 (P. L. 1966, c. 282) **and "The Evidence Act, 1960," approved June 20, 1960 (P. L. 1960, c. 52)*.*

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. Section 28 of P. L. 1966, c. 282 (C. 45:14B-28) is amended to
2 read as follows:

3 28. The confidential relations and communications between **and*
4 *among** a licensed practicing psychologist and ***[the]*** individuals,
5 *couples, families or groups* ***[with whom he engages]*** in the
6 **course of the** practice of psychology are placed on the same basis
7 as those provided between attorney and client, and nothing in this
8 act shall be construed to require any such privileged communica-
9 tions to be disclosed **by any such person**.

1 *2. Section 23 of P. L. 1960, c. 52 (C. 2A:84A-23) is amended
2 to read as follows:

3 23. Rule 29. Priest-penitent privilege.

4 Subject to Rule 37, a clergyman, minister or other person or
5 practitioner authorized to perform similar functions, of any reli-
6 gion shall not be allowed or compelled to disclose a confession or
7 other confidential communication made to him in his professional
8 character, or as a spiritual advisor in the course of the discipline
9 or practice of the religious body to which he belongs or of the
10 religion which he professes, *nor shall he be compelled to disclose*
11 *the confidential relations and communications between and among*
12 *him and individuals, couples, families or groups with respect to the*
13 *exercise of his professional counselling role.**

1 ***[2.]*** *3.* This act shall take effect immediately.

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

SENATE LABOR, INDUSTRY AND
PROFESSIONS COMMITTEE

STATEMENT TO

SENATE, No. 1295

with Senate committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 11, 1980

This bill would place the communications between a licensed practicing psychologist and the individuals, couples, families or groups he treats on the same privileged basis as communications between attorney and client.

The increasing proliferation of group therapy, marriage counseling, family therapy, etc., has raised the question of the appropriate relationship between a psychologist and his clients in group as well as individual sessions.

The amendments would provide that all communications between or among members of families or groups be privileged. The Senate Labor, Industry and Professions Committee also amended the bill to provide for similar confidentiality for duly ordained ministers of religion exercising their professional counselling roles.

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ASSEMBLY COMMERCE, INDUSTRY AND PROFESSIONS
COMMITTEE

STATEMENT TO
SENATE, No. 1295
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STATE OF NEW JERSEY

DATED: JUNE 15, 1981

This bill would place the communications between and among a licensed practicing psychologist and the individuals, couples, families or groups he treats on the same privileged basis as communications between attorney and client.

The bill also provides that a clergyman or priest could not be compelled to disclose the confidential communications between and among him and individuals, couples, families or groups with respect to his professional counseling role.

The increasing proliferation of group therapy, marriage counseling, family therapy and other types of group therapy has created a need to broaden the existing confidentiality provisions.

FROM THE OFFICE OF THE GOVERNOR

FOR IMMEDIATE RELEASE

FOR FURTHER INFORMATION

NOVEMBER 12, 1981

KATHRYN FORSYTH

Governor Brendan Byrne today signed the following bills:

S-1295, sponsored by Senator Matthew Feldman (D-Bergen), which expands the scope of the evidentiary privileges respecting confidential communications between a priest and a penitent or between a psychologist and a client.

The psychologist-client privilege, which stands on the same basis as the attorney-client privilege, is expanded to cover communications involving a group or family receiving therapy.

Under the existing priest-penitent privilege, a clergyman may not be compelled to disclose confessions or other confidential communications made to him "in his professional character or as a spiritual advisor."

This bill expands that privilege to include "relations and communications between and among him and individuals, couples, families or groups with respect to the exercise of his professional counseling role."

S-1654, sponsored by Senator Wayne Dumont (R-Warren), which authorizes the State to extend the coverage of the employee drug prescription program to include terminally ill employees who retired under the State Police Retirement System on or after January 1, 1980, with at least 25 years of service.

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