

By: Representative Robinson (84th)

To: Judiciary B

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1454

1 AN ACT TO EXEMPT PERSONAL INFORMATION OF LAW ENFORCEMENT,
2 JUDICIAL AND PROSECUTORIAL PERSONNEL FROM THE MISSISSIPPI PUBLIC
3 RECORDS ACT OF 1983; TO CREATE A PRIVILEGE TO PROTECT THE CONTENTS
4 OF ANY COMMUNICATION MADE TO A CERTIFIED PEER SUPPORT MEMBER BY AN
5 EMERGENCY RESPONDER WHILE ENGAGED IN A PEER SUPPORT EVENT; TO
6 DEFINE CERTAIN TERMS RELATING TO THE PRIVILEGE; TO PROVIDE
7 EMOTIONAL AND MORAL SUPPORT FOR LAW ENFORCEMENT OFFICERS AND OTHER
8 EMERGENCY RESPONDERS; TO PROVIDE A CRIMINAL PENALTY FOR REVEALING
9 THE CONTENTS OF SUCH PRIVILEGED COMMUNICATION; AND FOR RELATED
10 PURPOSES.

11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

12 **SECTION 1.** The identity, home address, any telephone number
13 or other private information of any law enforcement officer,
14 criminal investigator, judge or district attorney or the spouse or
15 child of such law enforcement officer, criminal investigator,
16 judge or district attorney shall be exempt from the Mississippi
17 Public Records Act of 1983. Provided, however, any court
18 transcript or recording shall be excluded from this exemption,
19 provided, that it was given under oath and is not otherwise
20 excluded by law.

21 **SECTION 2.** (1) As used in this section, unless the context
22 clearly indicates otherwise:

23 (a) "Certified peer support member" means a law
24 enforcement officer, fireman or emergency medical technician of an
25 emergency service agency or entity who has received training in
26 critical incident stress management and who is certified as a peer
27 support member by the State Board of Health or the Department of
28 Public Safety to provide emotional and moral support to an
29 emergency responder who needs those services as a result of
30 job-related stress or an incident in which the emergency responder
31 was involved while acting in his official capacity.

32 (b) "Peer support event" means any debriefing, defusing
33 or counseling session conducted by a certified peer support member
34 that involves the emotional or moral support of an emergency
35 responder who needs those services as a result of job-related
36 stress or an incident in which the emergency responder was
37 involved while acting in his official capacity.

38 (2) A certified peer support member shall not be compelled,
39 without the consent of the emergency responder making the
40 communication, to testify or in any way disclose the contents of
41 any communication made to the certified peer support member by the
42 emergency responder while engaged in a peer support event. This
43 privilege only applies when the communication was made to the
44 certified peer support member during the course of an actual peer
45 support event.

46 (3) The privilege shall not apply if:

47 (a) The certified peer support member was an initial
48 emergency service responder, a witness or a party to the incident
49 that prompted the providing of the peer support event to the
50 emergency responder;

51 (b) A communication reveals the intended commission of
52 a crime or harmful act and such disclosure is determined to be
53 necessary by the certified peer support member to protect any
54 person from a clear, imminent risk of serious mental or physical
55 harm or injury, or to forestall a serious threat to the public
56 safety; or

57 (c) A crime has been committed and divulged.

58 (4) Any certified peer support member who reveals the
59 contents of a privileged communication, or any person who
60 threatens, intimidates, or in any way attempts to compel a
61 certified peer support member to disclose the contents of a
62 privileged communication, shall be guilty of a misdemeanor and
63 shall be punished by a fine of not more than Five Hundred Dollars

64 (\$500.00) or by imprisonment in the county jail for not more than
65 six (6) months, or by both such fine and imprisonment.

66 **SECTION 3.** This act shall take effect and be in force from
67 and after July 1, 2006.