

By: Representative Robinson (84th)

To: Judiciary B

HOUSE BILL NO. 1454  
(As Sent to Governor)

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 home address, any telephone number of a  
13 privately paid account or other private information of any law  
14 enforcement officer, criminal investigator, judge or district  
15 attorney or the spouse or child of such law enforcement officer,  
16 criminal investigator, judge or district attorney shall be exempt  
17 from the Mississippi Public Records Act of 1983. This exemption  
18 does not apply to any court transcript or recording if given under  
19 oath and not otherwise excluded by law.

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

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

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

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

45           (3) The privilege shall not apply if:

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

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

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

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

63 (\$500.00) or by imprisonment in the county jail for not more than  
64 six (6) months, or by both such fine and imprisonment.

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