

By: Representative Smith (39th)

To: Judiciary B

HOUSE BILL NO. 1467

1 AN ACT TO CREATE A PRIVILEGE TO PROTECT THE CONTENTS OF ANY
 2 COMMUNICATION MADE TO A CERTIFIED PEER SUPPORT MEMBER BY AN
 3 EMERGENCY RESPONDER WHILE ENGAGED IN A PEER SUPPORT EVENT; TO
 4 DEFINE CERTAIN TERMS RELATING TO THE PRIVILEGE; TO PROVIDE
 5 EMOTIONAL AND MORAL SUPPORT FOR LAW ENFORCEMENT OFFICERS AND OTHER
 6 EMERGENCY RESPONDERS; TO PROVIDE A CRIMINAL PENALTY FOR REVEALING
 7 THE CONTENTS OF SUCH PRIVILEGED COMMUNICATION; AND FOR RELATED
 8 PURPOSES.

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

10 **SECTION 1.** (1) As used in this section, unless the context
 11 clearly indicates otherwise:

12 (a) "Certified peer support member" means an emergency
 13 responder or civilian volunteer of an emergency service agency or
 14 entity who has received training in critical incident stress
 15 management and who is certified as a peer support member by the
 16 State Board of Health or the Department of Public Safety to
 17 provide emotional and moral support to an emergency responder who
 18 needs those services as a result of job-related stress or an
 19 incident in which the emergency responder was involved while
 20 acting in his official capacity.

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

27 (2) A certified peer support member shall not be compelled,
 28 without the consent of the emergency responder making the
 29 communication, to testify or in any way disclose the contents of
 30 any communication made to the certified peer support member by the

31 emergency responder while engaged in a peer support event. This
32 privilege only applies when the communication was made to the
33 certified peer support member during the course of an actual peer
34 support event.

35 (3) The privilege shall not apply if:

36 (a) The certified peer support member was an initial
37 emergency service responder, a witness or a party to the incident
38 that prompted the providing of the peer support event to the
39 emergency responder; or

40 (b) A communication reveals the intended commission of
41 a crime or harmful act and such disclosure is determined to be
42 necessary by the certified peer support member to protect any
43 person from a clear, imminent risk of serious mental or physical
44 harm or injury, or to forestall a serious threat to the public
45 safety.

46 (4) Any certified peer support member who reveals the
47 contents of a privileged communication, or any person who
48 threatens, intimidates, or in any way attempts to compel a
49 certified peer support member to disclose the contents of a
50 privileged communication, shall be guilty of a misdemeanor and
51 shall be punished by a fine of not more than Five Hundred Dollars
52 (\$500.00) or by imprisonment in the county jail for not more than
53 six (6) months, or by both such fine and imprisonment.

54 (5) Any person who is an employee of this state, or any
55 political subdivision thereof, who is convicted of a crime under
56 this section shall be removed from office.

57 **SECTION 2.** This act shall take effect and be in force from
58 and after July 1, 2006.