

By: Senator(s) Tollison

To: Judiciary, Division B

SENATE BILL NO. 2062

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 A
5 CRIMINAL PENALTY FOR REVEALING THE CONTENTS OF SUCH PRIVILEGED
6 COMMUNICATION; AND FOR RELATED PURPOSES.

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

8 SECTION 1. (1) As used in this section, unless the context
9 clearly indicates otherwise:

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

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

25 (2) A certified peer support member shall not be compelled,
26 without the consent of the emergency responder making the
27 communication, to testify or in any way disclose the contents of
28 any communication made to the certified peer support member by the
29 emergency responder while engaged in a peer support event. This

30 privilege only applies when the communication was made to the
31 certified peer support member during the course of an actual peer
32 support event.

33 (3) The privilege shall not apply if:

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

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

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

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

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