

By: Senator(s) Tollison, White, King,
Jackson (32nd)

To: Judiciary, Division B

COMMITTEE SUBSTITUTE
FOR
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
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 a law
13 enforcement officer, fireman or emergency medical technician of an
14 emergency service agency or entity who has received training in
15 critical incident stress management and who is certified as a peer
16 support member by the State Board of Health or the Department of
17 Public Safety to provide emotional and moral support to an
18 emergency responder who needs those services as a result of
19 job-related stress or an incident in which the emergency responder
20 was involved while 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;

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; or

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

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

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