

1 HB105
2 188990-2
3 By Representative Lee
4 RFD: Judiciary
5 First Read: 09-JAN-18

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ENGROSSED

A BILL
TO BE ENTITLED
AN ACT

Relating to emergency responders; to provide that certain communications made by emergency responders are privileged; to provide criminal penalties for a violation; and in connection therewith would have as its purpose or effect the requirement of a new or increased expenditure of local funds within the meaning of Amendment 621 of the Constitution of Alabama of 1901, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, as amended.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) As used in this act, the following terms shall have the following meanings:

(1) CERTIFIED PEER SUPPORT MEMBER. A law enforcement officer, firefighter, paramedic, emergency dispatcher, emergency medical technician of an emergency service agency or entity, or a person who is assigned to be a chaplain by an emergency service agency, who has received training in critical incident stress management and who is certified as a peer support member by ~~the Department of Public Health or~~ the Alabama State Law Enforcement Agency to provide emotional

1 and moral support to an emergency responder who needs
2 emotional or moral support as a result of job-related stress
3 or an incident in which the emergency responder was involved
4 while acting in his or her official capacity.

5 (2) EMERGENCY RESPONDER. A law enforcement officer,
6 firefighter, paramedic, emergency dispatcher, or emergency
7 medical technician of an emergency service agency or entity.

8 (3) PEER SUPPORT EVENT. Any debriefing, defusing, or
9 coaching session conducted by a certified peer support member
10 that involves the emotional or moral support of an emergency
11 responder who needs emotional or moral support as a result of
12 job-related stress or an incident in which the emergency
13 responder was involved while acting in his or her official
14 capacity.

15 (b) In order to become a certified peer support
16 member, all of the following must apply:

17 (1) The person must be an emergency responder or a
18 chaplain of an emergency service agency.

19 (2) The person must complete training in critical
20 stress management or peer support by a recognized training
21 agency. Recognized training agencies include, but are not
22 limited to, the International Critical Incident Stress
23 Foundation, the National Organization for Victim Assistance,
24 the American Red Cross, and the Regional Counterdrug Training
25 Academy.

26 (3) The person must be designated in writing by a
27 sheriff, police chief, fire chief, or other head of a law

1 enforcement agency, fire department, rescue agency, or a
2 public safety agency to provide peer support services to an
3 emergency responder or the spouse of an emergency responder.
4 Only one certified peer support person may be assigned per any
5 specific peer support event.

6 (c) Any communication made by an emergency responder
7 to a certified peer support member during a peer support event
8 is privileged. The emergency responder may waive the
9 privilege. The certified peer support member may not be
10 compelled to testify or otherwise disclose the contents of any
11 privileged communication under this act.

12 (d) A communication made by an emergency responder
13 to a certified peer support member is not privileged if any of
14 the following apply:

15 (1) The certified peer support member was an initial
16 emergency service responder, a witness, or a party to the
17 incident that prompted the communication to the certified peer
18 support member.

19 (2) The communication reveals the intended
20 commission of a crime or otherwise harmful act, and the
21 disclosure of the communication is determined to be necessary
22 by the certified peer support member to protect any person
23 from a clear and imminent risk of mental or physical harm or
24 to forestall a serious threat to public safety.

25 (3) The communication reveals that a crime was
26 committed.

1 (4) A court determines the communications are not
2 privileged under the exceptions provided in Rule 503(d),
3 Alabama Rules of Evidence.

4 ~~(e) Any certified peer support member who reveals~~
5 ~~the contents of a privileged communication, or any person who~~
6 ~~threatens, intimidates, or in any way attempts to compel a~~
7 ~~certified peer support member to disclose the contents of a~~
8 ~~privileged communication, shall be guilty of a Class B~~
9 ~~misdemeanor.~~

10 Section 2. Although this bill would have as its
11 purpose or effect the requirement of a new or increased
12 expenditure of local funds, the bill is excluded from further
13 requirements and application under Amendment 621, now
14 appearing as Section 111.05 of the Official Recompilation of
15 the Constitution of Alabama of 1901, as amended, because the
16 bill defines a new crime or amends the definition of an
17 existing crime.

18 Section 3. This act shall become effective on the
19 first day of the third month following its passage and
20 approval by the Governor, or its otherwise becoming law.

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House of Representatives

Read for the first time and re-
ferred to the House of Representa-
tives committee on Judiciary 09-JAN-18

Read for the second time and placed
on the calendar 1 amendment 18-JAN-18

Read for the third time and passed
as amended..... 30-JAN-18

Yeas 101, Nays 0, Abstains 0

Jeff Woodard
Clerk