

1 HB254
2 188825-1
3 By Representative Rowe
4 RFD: Judiciary
5 First Read: 18-JAN-18

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8 SYNOPSIS: This bill would provide that certain
9 communications made by emergency responders to
10 certified peer support members, as defined, would
11 be privileged. The bill would also provide criminal
12 penalties for a violation of the privilege.

13 Amendment 621 of the Constitution of
14 Alabama of 1901, now appearing as Section 111.05 of
15 the Official ReCompilation of the Constitution of
16 Alabama of 1901, as amended, prohibits a general
17 law whose purpose or effect would be to require a
18 new or increased expenditure of local funds from
19 becoming effective with regard to a local
20 governmental entity without enactment by a 2/3 vote
21 unless: it comes within one of a number of
22 specified exceptions; it is approved by the
23 affected entity; or the Legislature appropriates
24 funds, or provides a local source of revenue, to
25 the entity for the purpose.

26 The purpose or effect of this bill would be
27 to require a new or increased expenditure of local

1 funds within the meaning of the amendment. However,
2 the bill does not require approval of a local
3 governmental entity or enactment by a 2/3 vote to
4 become effective because it comes within one of the
5 specified exceptions contained in the amendment.

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

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

20 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

23 (1) CERTIFIED PEER SUPPORT MEMBER. A law enforcement
24 officer, firefighter, or emergency medical technician of an
25 emergency service agency or entity who has received training
26 in critical incident stress management and who is certified as
27 a peer support member by the Department of Public Health or

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

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

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

16 (b) Any communication made by an emergency responder
17 to a certified peer support member during a peer support event
18 is privileged. The emergency responder may waive the
19 privilege. The certified peer support member may not be
20 compelled to testify or otherwise disclose the contents of any
21 privileged communication under this act.

22 (c) A communication made by an emergency responder
23 to a certified peer support member is not privileged if any of
24 the following apply:

25 (1) The certified peer support member was an initial
26 emergency service responder, a witness, or a party to the

1 incident that prompted the communication to the certified peer
2 support member.

3 (2) The communication reveals the intended
4 commission of a crime or otherwise harmful act, and the
5 disclosure of the communication is determined to be necessary
6 by the certified peer support member to protect any person
7 from a clear and imminent risk of mental or physical harm or
8 to forestall a serious threat to public safety.

9 (3) The communication reveals that a crime was
10 committed.

11 (d) Any certified peer support member who reveals
12 the contents of a privileged communication, or any person who
13 threatens, intimidates, or in any way attempts to compel a
14 certified peer support member to disclose the contents of a
15 privileged communication, shall be guilty of a Class B
16 misdemeanor.

17 Section 2. Although this bill would have as its
18 purpose or effect the requirement of a new or increased
19 expenditure of local funds, the bill is excluded from further
20 requirements and application under Amendment 621, now
21 appearing as Section 111.05 of the Official Recompilation of
22 the Constitution of Alabama of 1901, as amended, because the
23 bill defines a new crime or amends the definition of an
24 existing crime.

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

