

1 SB38
2 210614-4
3 By Senator Livingston
4 RFD: Governmental Affairs
5 First Read: 02-FEB-21
6 PFD: 01/11/2021

1 SB38

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4 ENROLLED, An Act,

5 Relating to emergency responders; to amend Section
6 36-21-14, Code of Alabama 1975, to authorize the Alabama Fire
7 College to provide certification to certain peer support
8 members.

9 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

10 Section 1. Section 36-21-14, Code of Alabama 1975,
11 is amended to read as follows:

12 "§36-21-14.

13 "(a) As used in this section, the following terms
14 shall have the following meanings:

15 "(1) CERTIFIED PEER SUPPORT MEMBER. ~~A law~~
16 ~~enforcement officer, firefighter, paramedic, emergency~~
17 ~~dispatcher, emergency medical technician of an emergency~~
18 ~~service agency or entity, An emergency responder or a person~~
19 ~~who is assigned to be a chaplain by an emergency service~~
20 ~~agency, who has received training in critical incident stress~~
21 ~~management and who is certified as a peer support member by~~
22 ~~the Alabama State Law Enforcement Agency or the Alabama Fire~~
23 ~~College to provide emotional and moral support to an emergency~~
24 ~~responder who needs emotional or moral support as a result of~~
25 ~~job-related stress or an incident in which the emergency~~

1 responder was involved while acting in his or her official
2 capacity.

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

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

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

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

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

1 "(3) The person must be designated in writing by a
2 sheriff, police chief, fire chief, or other head of a law
3 enforcement agency, fire department, rescue agency, or a
4 public safety agency to provide peer support services to an
5 emergency responder or the spouse of an emergency responder.
6 Only one certified peer support person may be assigned per any
7 specific peer support event.

8 "(4) Law enforcement officers, emergency
9 dispatchers, or persons assigned to be a chaplain by an
10 emergency service agency, must be certified by the Alabama
11 State Law Enforcement Agency. Firefighters, wildland
12 firefighters, paramedics, and emergency medical technicians of
13 an emergency service agency or entity, or persons assigned to
14 be a chaplain by an emergency service agency, must be
15 certified by the Alabama Fire College.

16 "(c) Any communication made by an emergency
17 responder to a certified peer support member during a peer
18 support event is privileged. The emergency responder may waive
19 the 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 section.

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

1 "(1) The certified peer support member was an
2 initial emergency service responder, a witness, or a party to
3 the incident that prompted the communication to the certified
4 peer support member.

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

11 "(3) The communication reveals that a crime was
12 committed.

13 "(4) A court determines the communications are not
14 privileged under the exceptions provided in Rule 503(d),
15 Alabama Rules of Evidence."

16 Section 2. This act shall become effective on the
17 first day of the third month following its passage and
18 approval by the Governor, or its otherwise becoming law.

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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB38
Senate 02-MAR-21
I hereby certify that the within Act originated in and passed
the Senate, as amended.

Patrick Harris,
Secretary.

House of Representatives
Passed: 27-APR-21

By: Senator Livingston