

1 HB105
2 188990-1
3 By Representative Lee
4 RFD: Judiciary
5 First Read: 09-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, paramedic, emergency dispatcher,
25 emergency medical technician of an emergency service agency or
26 entity, or a person who is assigned to be a chaplain by an
27 emergency service agency, who has received training in

1 critical incident stress management and who is certified as
2 a peer support member by the Department of Public Health or
3 the Alabama State Law Enforcement Agency to provide emotional
4 and moral support to an emergency responder who needs
5 emotional or moral support as a result of job-related stress
6 or an incident in which the emergency responder was involved
7 while acting in his or her official capacity.

8 (2) EMERGENCY RESPONDER. A law enforcement officer,
9 firefighter, paramedic, emergency dispatcher, or emergency
10 medical technician of an emergency service agency or entity.

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

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

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

22 (2) The person must complete training in critical
23 stress management or peer support by a recognized training
24 agency. Recognized training agencies include, but are not
25 limited to, the International Critical Incident Stress
26 Foundation, the National Organization for Victim Assistance,

1 the American Red Cross, and the Regional Counterdrug Training
2 Academy.

3 (3) The person must be designated by a sheriff,
4 police chief, fire chief, or other head of a law enforcement
5 agency, fire department, rescue agency, or a public safety
6 agency to provide peer support services to an emergency
7 responder or the spouse of an emergency responder.

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

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

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

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

1 (3) The communication reveals that a crime was
2 committed.

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

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

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