

1 SB38
2 209020-1
3 By Senator Livingston
4 RFD: Governmental Affairs
5 First Read: 02-FEB-21
6 PFD: 01/11/2021

SYNOPSIS: Under existing law, emergency responders may receive counseling from certified peer support members. The Alabama State Law Enforcement Agency is the only agency that may certify a peer support member.

This bill would also authorize the Alabama Fire College to certify peer support members.

A BILL
TO BE ENTITLED
AN ACT

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

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

"§36-21-14.

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

3 "(1) CERTIFIED PEER SUPPORT MEMBER. A law
4 enforcement officer, firefighter, paramedic, emergency
5 dispatcher, emergency medical technician of an emergency
6 service agency or entity, or a person who is assigned to be a
7 chaplain by an emergency service agency, who has received
8 training in critical incident stress management and who is
9 certified as a peer support member by the Alabama State Law
10 Enforcement Agency or the Alabama Fire College to provide
11 emotional and moral support to an emergency responder who
12 needs emotional or moral support as a result of job-related
13 stress or an incident in which the emergency responder was
14 involved while acting in his or her official capacity.

15 "(2) EMERGENCY RESPONDER. A law enforcement officer,
16 firefighter, paramedic, emergency dispatcher, or emergency
17 medical technician of an emergency service agency or entity.

18 "(3) PEER SUPPORT EVENT. Any debriefing, defusing,
19 or coaching session conducted by a certified peer support
20 member that involves the emotional or moral support of an
21 emergency responder who needs emotional or moral support as a
22 result of job-related stress or an incident in which the
23 emergency responder was involved while acting in his or her
24 official capacity.

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

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

3 "(2) The person must complete training in critical
4 stress management or peer support by a recognized training
5 agency. Recognized training agencies include, but are not
6 limited to, the International Critical Incident Stress
7 Foundation, the National Organization for Victim Assistance,
8 the American Red Cross, and the Regional Counterdrug Training
9 Academy.

10 "(3) The person must be designated in writing by a
11 sheriff, police chief, fire chief, or other head of a law
12 enforcement agency, fire department, rescue agency, or a
13 public safety agency to provide peer support services to an
14 emergency responder or the spouse of an emergency responder.
15 Only one certified peer support person may be assigned per any
16 specific peer support event.

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

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

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

1 the incident that prompted the communication to the certified
2 peer 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 "(4) A court determines the communications are not
12 privileged under the exceptions provided in Rule 503(d),
13 Alabama Rules of Evidence."

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