

Stricken language would be deleted from and underlined language would be added to present law.
Act 1353 of the Regular Session

State of Arkansas
89th General Assembly
Regular Session, 2013

As Engrossed: S4/5/13
A Bill

HOUSE BILL 1971

By: Representative Lowery
By: Senator J. English

For An Act To Be Entitled

AN ACT REGARDING CERTAIN COMMUNICATIONS MADE TO A
CERTIFIED PEER SUPPORT MEMBER BY AN EMERGENCY
RESPONDER; AND FOR OTHER PURPOSES.

Subtitle

REGARDING CERTAIN COMMUNICATIONS MADE TO
A CERTIFIED PEER SUPPORT MEMBER BY AN
EMERGENCY RESPONDER.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code Title 16, Chapter 40, is amended to add a new section to read as follows:

16-40-106. Privileged communications made to a certified peer support member by an emergency responder.

(a) As used in this section:

(1) "Certified peer support member" means a law enforcement officer, firefighter, or emergency medical technician of an emergency service agency or entity who has received training in critical incident stress management and who is certified as a peer support member by the Arkansas Crisis Response Team to provide emotional or moral support to an emergency responder who needs emotional or moral support as a result of job-related stress or an incident in which the emergency responder was involved while acting in his or her official capacity; and

(2) "Peer support event" means any debriefing, defusing, or counseling session conducted by a certified peer support member that involves



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

(b)(1) A certified peer support member shall not be compelled, without the consent of the emergency responder making the communication, to testify or in any way disclose the contents of any communication made to the certified peer support member by the emergency responder while engaged in a peer support event.

(2) The privilege under subdivision (b)(1) of this section only applies when the communication was made to the certified peer support member during the course of an actual peer support event.

(c) The privilege under subdivision (b)(1) of this section does not apply if:

(1) The certified peer support member was an initial emergency service responder, a witness, or a party to the incident that prompted the providing of the peer support event to the emergency responder;

(2) A communication reveals the intended commission of a crime or harmful act and the disclosure is determined to be necessary by the certified peer support member to protect any person from a clear, imminent risk of serious mental or physical harm or injury or to forestall a serious threat to the public safety; or

(3) A crime has been committed and the crime is divulged to the certified peer support member.

(d) A certified peer support member who knowingly reveals the contents of a communication privileged under this section or any person who knowingly threatens, intimidates, or forcibly compels, or attempts to threaten, intimidate, or forcibly compel a certified peer support member to disclose the contents of a privileged communication upon conviction is guilty of a Class B misdemeanor.

/s/Lowery

APPROVED: 04/18/2013