

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013
4

As Engrossed: S4/5/13

A Bill

HOUSE BILL 1971

5 By: Representative Lowery
6 By: Senator J. English
7

For An Act To Be Entitled

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

15 REGARDING CERTAIN COMMUNICATIONS MADE TO
16 A CERTIFIED PEER SUPPORT MEMBER BY AN
17 EMERGENCY RESPONDER.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. Arkansas Code Title 16, Chapter 40, is amended to add a new
23 section to read as follows:

24 16-40-106. Privileged communications made to a certified peer support
25 member by an emergency responder.

26 (a) As used in this section:

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

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



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

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

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

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

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

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

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

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

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32 */s/Lowery*
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