

The House Committee on Public Safety and Homeland Security offers the following substitute to HB 703:

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 5 of Title 24 of the Official Code of Georgia Annotated, relating to  
2 privileges, so as to provide for privileged communications between public safety officers and  
3 peer counselors; to amend Title 45 of the Official Code of Georgia Annotated, relating to  
4 public officers and employees, so as to create the Governor's Office of Public Safety Support;  
5 to provide for a director; to provide for responsibilities of the office; to provide for office  
6 space, staff, supplies, and materials; to provide for definitions; to provide for related matters;  
7 to provide for a contingent effective date based on funding; to repeal conflicting laws; and  
8 for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 style="text-align:center">**SECTION 1.**

11 Chapter 5 of Title 24 of the Official Code of Georgia Annotated, relating to privileges, is  
12 amended by revising Code Section 24-5-510, relating to privileged communications between  
13 law enforcement officers and peer counselors, as follows:

14 "24-5-510.

15 (a) As used in this Code section, the term:

16 (1) 'Client' means a ~~law enforcement employee~~ public safety officer or a ~~law~~  
17 ~~enforcement~~ public safety officer's immediate family.

18 (2) 'Immediate family' means the spouse, child, stepchild, parent, or stepparent.

19 (3) 'Peer counselor' means:

20 (A) An employee of the Governor's Office of Public Safety Support; or

21 (B) An individual who is certified by the director of the Governor's Office of Public  
22 Safety Support pursuant to subsection (b) of Code Section 45-25-4 who is an employee  
23 of a public entity that employs public safety officers and who is designated by the  
24 executive head of such public entity ~~an employee of a law enforcement agency who has~~  
25 ~~received training to provide emotional and moral support to a client and was designated~~  
26 ~~by a sheriff, police chief, or other head of a law enforcement agency to counsel clients.~~

27 (4) 'Public entity' shall have the same meaning as provided for in Code Section 45-25-1.

28 (5) 'Public safety officer' shall have the same meaning as provided for in Code Section  
 29 45-25-1.

30 (b) Except as provided in subsection (c) of this Code section, communications between a  
 31 client and a peer counselor shall be privileged. A peer counselor shall not disclose any  
 32 such communications made to him or her and shall not be competent or compellable to  
 33 testify with reference to any such communications in any court.

34 (c) The privilege created by subsection (b) of this Code section shall not apply when:

35 (1) The disclosure is authorized by the client, or if the client is deceased, by his or her  
 36 executor or administrator, and if an executor or administrator is not appointed, by the  
 37 client's next of kin;

38 (2) Compelled by court order;

39 (3) The peer counselor was an initial responding public safety officer, witness, or party  
 40 to an act that is the subject of the counseling;

41 (4) The communication was made when the peer counselor was not performing official  
 42 duties; or

43 (5) The client is charged with a crime.

44 (d) The privilege created by this Code section shall not be grounds to fail to comply with  
 45 mandatory reporting requirements as set forth in Code Section 19-7-5 or Chapter 5 of Title  
 46 30, the 'Disabled Adults and Elder Persons Protection Act.'

## 47 **SECTION 2.**

48 Title 45 of the Official Code of Georgia Annotated, relating to public officers and employees,  
 49 is amended by adding a new chapter to read as follows:

### 50 "CHAPTER 25

51 45-25-1.

52 As used in this chapter, the term:

53 (1) 'Correctional officers' means any person employed by the state or any political  
 54 subdivision thereof whose principal duties relate to the supervision and incarceration of  
 55 persons accused or convicted of the violation of the criminal laws of this state or any  
 56 political subdivision thereof. Such term shall also mean any community supervision  
 57 officer who is required to be certified under Chapter 8 of Title 35, the 'Georgia Peace  
 58 Officer Standards and Training Act,' and whose principal duties directly relate to the  
 59 supervision of probationers or parolees. Such term also means any person employed by  
 60 the state or any political subdivision thereof whose principal duties include the

61 supervision of youth who are charged with or adjudicated for an act which if committed  
62 by adults would be considered a crime.

63 (2) 'Critical incident support services' means interventions designed to provide  
64 compassionate or coping support in the event of involvement in, being a witness to, or  
65 being otherwise affected by a traumatic event, including, but not limited to, any series of  
66 events that render a traumatic effect.

67 (3) 'Director' means the director of the Governor's Office of Public Safety Support.

68 (4) 'Emergency management rescue specialist' means any person licensed as an  
69 emergency management rescue specialist pursuant to Code Section 38-3-36.

70 (5) 'Emergency medical technician' means any person who is:

71 (A) Certified as an emergency medical technician, paramedic, or cardiac technician  
72 under Chapter 11 of Title 31; and

73 (B) Employed in the capacity for which they are so certified by a department, agency,  
74 authority, or other instrumentality of state or local government.

75 (6)(A) 'Firefighter' means any person who is employed as a professional firefighter on  
76 a full-time or part-time basis by any municipal, county, or state government fire  
77 department employing three or more firefighters and who has the responsibility of  
78 preventing and suppressing fires, protecting life and property, enforcing municipal,  
79 county, and state fire prevention codes, enforcing any law pertaining to the prevention  
80 and suppression of fires or who performs any acts or actions while on duty or when  
81 responding to a fire or emergency during any fire or other emergency or while  
82 performing duties intended to protect life and property.

83 (B) 'Firefighter' shall also mean any individual serving as an officially recognized or  
84 designated member of a legally organized volunteer fire department, or any employee  
85 of the State Forestry Commission whose job duties include fire mitigation, who  
86 performs any acts or actions while on duty or when responding to a fire or emergency  
87 during any fire or other emergency or while performing duties intended to protect life  
88 and property.

89 (C) 'Firefighter' shall also mean any individual employed by a person or corporation  
90 which has a contract with a municipal corporation or county to provide fire prevention  
91 and fire-fighting services to such municipal corporation or county and has the  
92 responsibility of preventing and suppressing fires, protecting life and property,  
93 enforcing municipal or county fire prevention codes, enforcing any municipal or county  
94 ordinances pertaining to the prevention and control of fires or who performs any acts  
95 or actions while on duty or when responding to a fire or emergency during any fire or  
96 other emergency or while performing duties intended to protect life and property.

97 (7) 'Law enforcement officer' means any agent or officer of this state, a political  
 98 subdivision or municipality of this state, or an authority of this state or a political  
 99 subdivision of this state who, as a full-time or part-time employee, is vested either  
 100 expressly by law or by virtue of public employment or service with authority to enforce  
 101 the criminal or traffic laws with the power of arrest and whose duties include the  
 102 preservation of public order, the protection of life and property, or the prevention,  
 103 detection, or investigation of crime. Such term also includes the employees designated  
 104 by the commissioner of juvenile justice pursuant to paragraph (2) of subsection (i) of  
 105 Code Section 49-4A-8 who have the duty to investigate and apprehend delinquent  
 106 children, or the supervision of delinquent children under intensive supervision in the  
 107 community, and any child with a pending juvenile court case alleging the child to be a  
 108 child in need of services who has escaped from a facility under the jurisdiction of the  
 109 Department of Juvenile Justice or who has broken the conditions of supervision. Such  
 110 term also includes any members of the Georgia National Guard, the composition of which  
 111 is set forth in Code Section 38-2-3, who have been called into active state service by the  
 112 Governor.

113 (8) 'Peer counselor' shall have the same meaning as provided for in Code Section  
 114 24-5-510.

115 (9) 'Public entity' means any agency or department of this state or a political subdivision  
 116 or municipality of this state or an authority of this state.

117 (10) 'Public safety officer' means and includes:

118 (A) Emergency management rescue specialists;

119 (B) Emergency medical technicians;

120 (C) Firefighters or other employees of a fire department;

121 (D) Law enforcement officers or other employees of a law enforcement agency; or

122 (E) Correctional officers.

123 45-25-2.

124 There is created within the executive department the Governor's Office of Public Safety  
 125 Support. The Governor's Office of Public Safety Support is assigned to the Department of  
 126 Public Safety for administrative purposes only as provided in Code Section 50-4-3.

127 45-25-3.

128 The director shall be appointed by the Governor and serve at his or her pleasure. The  
 129 director shall be an individual with experience as a public safety officer and who has  
 130 received training and exhibited a demonstrated professional ability to provide emotional  
 131 and moral support to public safety officers. The director may also otherwise serve as a

132 public safety officer within any agency of the executive department. The director is  
 133 charged and empowered to carry out the responsibilities of the Governor's Office of Public  
 134 Safety Support.

135 45-25-4.

136 (a) The Governor's Office of Public Safety Support shall respond to and provide peer  
 137 counselors and critical incident support services to any requesting public entities that  
 138 employ public safety officers. The office shall respond to and provide peer counselors and  
 139 critical incident support services for the benefit of public safety officers experiencing  
 140 post-traumatic stress disorder or other trauma associated with public safety. The office  
 141 shall develop a course of training in critical incident stress management and in any other  
 142 related subject matter for the benefit of public safety officers.

143 (b) The director shall certify individuals, who shall be peer counselors, as having received  
 144 training and demonstrated ability to provide emotional and moral support to public safety  
 145 officers consistent with the purposes of this chapter.

146 45-25-5.

147 The Governor is authorized to provide and designate for the use of the director such space  
 148 as shall be necessary to quarter the director and his or her staff. The director shall establish  
 149 policies and procedures for the implementation of this chapter and is authorized to employ  
 150 and secure the necessary staff, supplies, and materials to carry out this chapter, subject to  
 151 the approval of the Governor."

152 **SECTION 3.**

153 (a) This Act shall become effective only if funds are specifically appropriated for the  
 154 purposes of this Act in an appropriations Act enacted by the General Assembly.

155 (b) If funds are so appropriated, then this Act shall become effective on the later of:

156 (1) The date on which such appropriations Act becomes effective; or

157 (2) The beginning date of the fiscal year for which such appropriations are made.

158 **SECTION 4.**

159 All laws and parts of laws in conflict with this Act are repealed.