

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

# A Bill

HOUSE BILL 1971

5 By: Representative Lowery  
6

## For An Act To Be Entitled

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

## Subtitle

12  
13 REGARDING CERTAIN COMMUNICATIONS MADE TO  
14 A CERTIFIED PEER SUPPORT MEMBER BY AN  
15 EMERGENCY RESPONDER.  
16  
17  
18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
20

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

23 16-40-106. Privileged communications made to a certified peer support  
24 member by an emergency responder.

25 (a) As used in this section:

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

34 (2) "Peer support event" means any debriefing, defusing, or  
35 counseling session conducted by a certified peer support member that involves  
36 the emotional or moral support of an emergency responder who needs emotional



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

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

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

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

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

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

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

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

30  
31  
32  
33  
34  
35  
36