

House Bill 703 (AS PASSED HOUSE AND SENATE)

By: Representatives Hitchens of the 161st, Lott of the 122nd, Powell of the 32nd, Frazier of the 126th, and Welch of the 110th

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 Chapter 2 of Title 35 of the Official Code of Georgia Annotated,
4 relating to the Department of Public Safety, so as to establish the Office of Public Safety
5 Officer Support within the Department of Public Safety; to provide for a director; to provide
6 for responsibilities of the office; to provide for office space, staff, supplies, and materials;
7 to provide for definitions; to provide for related matters; to provide for a contingent effective
8 date based on funding; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 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 public safety officer ~~law enforcement employee or a law~~
17 ~~enforcement 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 Office of Public Safety Officer Support within the Department
21 of Public Safety; or

22 (B) An individual who is certified by the support coordinator of the Office of Public
23 Safety Officer Support within the Department of Public Safety pursuant to subsection
24 (b) of Code Section 35-2-163 who is an employee of a public entity that employs public
25 safety officers and who is designated by the executive head of such public entity an
26 employee of a law enforcement agency who has received training to provide emotional

27 ~~and moral support to a client and was designated by a sheriff, police chief, or other head~~
 28 ~~of a law enforcement agency to counsel clients.~~

29 (3) 'Public entity' shall have the same meaning as provided for in Code Section 35-2-160.

30 (4) 'Public safety officer' means a peace officer, correctional officer, emergency health
 31 worker, firefighter, highway emergency response operator, jail officer, juvenile
 32 correctional officer, probation officer, or emergency services dispatcher.

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

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

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

41 (2) Compelled by court order;

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

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

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

47 (d) The privilege created by this Code section shall not be grounds to fail to comply with
 48 mandatory reporting requirements as set forth in Code Section 19-7-5 or Chapter 5 of Title
 49 30, the 'Disabled Adults and Elder Persons Protection Act.'"

50 **SECTION 2.**

51 Chapter 2 of Title 35 of the Official Code of Georgia Annotated, relating to the Department
 52 of Public Safety, is amended by adding a new article to read as follows:

53 "ARTICLE 8

54 35-2-160.

55 As used in this article, the term:

56 (1) 'Critical incident support services' means interventions designed to provide
 57 compassionate or coping support in the event of involvement in, being a witness to, or
 58 being otherwise affected by a traumatic event, including, but not limited to, any series of
 59 events that render a traumatic effect.

60 (2) 'Peer counselor' shall have the same meaning as provided for in Code Section
61 24-5-510.

62 (3) 'Public entity' means any agency or department of this state or a political subdivision
63 or municipality of this state or an authority of this state.

64 (4) 'Public safety officer' means a peace officer, correctional officer, emergency health
65 worker, firefighter, highway emergency response operator, jail officer, juvenile
66 correctional officer, probation officer, or emergency services dispatcher.

67 (5) 'Support coordinator' means the coordinator of the Office of Public Safety Officer
68 Support within the Department of Public Safety.

69 35-2-161.

70 There is established the Office of Public Safety Officer Support within the Department of
71 Public Safety.

72 35-2-162.

73 The support coordinator shall be appointed by and be under the direction of the
74 commissioner. The support coordinator shall be an individual with experience as a public
75 safety officer and who has received training and exhibited a demonstrated professional
76 ability to provide emotional and moral support to public safety officers. The support
77 coordinator may also otherwise serve as a public safety officer within the department. The
78 support coordinator is charged and empowered to carry out the responsibilities provided
79 for under this article.

80 35-2-163.

81 (a) The Office of Public Safety Officer Support within the Department of Public Safety
82 may respond to and provide peer counselors and critical incident support services to any
83 requesting public entities that employ public safety officers. The office may respond to and
84 provide peer counselors and critical incident support services for the benefit of public
85 safety officers experiencing post-traumatic stress disorder or other trauma associated with
86 public safety. The office shall develop a course of training in critical incident stress
87 management and in any other related subject matter for the benefit of public safety officers.

88 (b) The support coordinator shall certify individuals, who shall be peer counselors, as
89 having received training and demonstrated ability to provide emotional and moral support
90 to public safety officers consistent with the purposes of this article.

91 (c) The support coordinator, with approval of the commissioner, may employ or retain
92 persons as he or she deems necessary to serve as peer counselors and staff consistent with
93 the purposes of this article.

94 35-2-164.

95 The commissioner is authorized to provide and designate for the use of the support
96 coordinator such space as shall be necessary to quarter the support coordinator and his or
97 her staff. The support coordinator shall establish policies and procedures for the
98 implementation of this article and is authorized to employ and secure the necessary staff,
99 supplies, and materials to carry out this article, subject to the approval of the
100 commissioner."

101 **SECTION 3.**

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

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

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

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

107 **SECTION 4.**

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