
The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Alden A. Clement Jr.

SB 482 Original	DIGEST 2020 Regular Session	Mizell
-----------------	--------------------------------	--------

Proposed law provides relative to peace officer and public safety personnel peer support and mental health and wellness and provides relative to the public policy of the state relative to the issues addressed by proposed law.

Proposed law provides the following definitions for purposes of proposed law:

- (1) "Governmental entity" means any board, authority, commission, department, office, division, or agency of the state or any of its political subdivisions.
- (2) "Peace officer" means any employee of the state, a municipality, a sheriff, or other public agency, whose permanent duties actually include the making of arrests, the performing of searches and seizures, or the execution of criminal warrants, and is responsible for the prevention or detection of crime or for the enforcement of the penal, traffic, or highway laws of this state, but not including any elected or appointed head of a law enforcement department. "Peace officer" also includes those sheriff's deputies whose duties include the care, custody, and control of inmates, military police officers within the Military Department of the state of Louisiana, security personnel employed by the La. Supreme Court, and security personnel employed by a court of appeal of the state of Louisiana.
- (3) "Peer support member" means a person, whether a peace officer or not, specially trained to voluntarily provide confidential, emotional and moral support and assistance to peace officers and public safety personnel, and approved as a peer support member by the governmental entity who has established a peer support program. A peer support member is not required to be a licensed counselor or mental health professional, but may be such a person.
- (4) "Peer support program" means a program established by a governmental entity to provide peer support services to peace officers and public safety personnel.
- (5) "Peer support session" means any communication by a peace officer or public safety personnel with a peer support member, which is accomplished primarily through listening, assessing, and assisting with problem-solving, and may include referring a peace officer or public safety personnel for professional intervention or treatment that is beyond the scope of the peer support member. Peer support sessions also include group sessions following a critical incident experienced by a group of peace officers or public safety personnel.
- (6) "Peer support training" means training in peer support and critical incident stress conducted by the Southern Law Enforcement Foundation, the International Critical Incident Stress

Foundation, Inc., or an equivalent program.

- (7) "Public safety personnel" means an employee of a governmental entity who, by virtue of his job duties, provides support to peace officers, including but not limited to dispatchers or 911 telecommunicators, crime scene and crime laboratory technicians, and criminal analysts.

Proposed law provides that any governmental entity that establishes a peer support program for peace officers and public safety personnel must ensure that peer support members successfully complete the training required by proposed law before being designated as a peer support member to provide emotional and moral support to peace officers and public safety personnel. Proposed law provides that, except for participation in a peer support session following a critical incident as may be required by a governmental entity, a peace officer or public safety personnel cannot be mandated to participate in a peer support session.

Proposed law provides that the provisions of proposed law apply only to peer support sessions conducted by an employee or agent of a governmental entity who has both:

- (1) Successfully completed peer support training as defined in proposed law.
- (2) At the time of the peer support session, been designated by a governmental entity to act as a peer support member.

Proposed law provides that the provisions of proposed law apply to all oral and written communications, notes, records, and reports arising out of a peer support session or program, and any and all notes, records, reports, or documents, regardless of how maintained, arising out of a peer support session are not considered public records for the purpose of present law (Public Records Law).

Proposed law does not prohibit or limit any communication between peer support members, nor prohibit governmental entities from compiling and maintaining statistics relating to peer support sessions or contacts that do not contain information that could in any way identify a peace officer or public safety personnel participating in a peer support session.

Proposed law does not prohibit peer support members from sharing among themselves any information, reports, records, or communications about a peace officer or public safety personnel for purposes of furthering the goals of proposed law.

Proposed law provides that any and all information, reports, records, or communications, whether oral, written, or electronic, that are made, generated, received, or maintained by or in connection with a peer support program or session, are deemed confidential, privileged, and exempt from present law (Public Record Law). Proposed law further provides that no person, including a peer support member, can disclose any information, reports, records, or communications relating to peer support sessions to anyone without the prior written approval of the subject peace officer or public safety personnel, or if the peace officer or public safety personnel is deceased, by his successor.

Proposed law provides that no person, including a peer support member, can be required to disclose, by way of testimony or otherwise, privileged information, or produce, under subpoena or a public records request, any records, documents, opinions, or decisions relating to such privileged information:

- (1) In connection with any administrative, civil, or criminal case, proceeding, or adjudication.
- (2) By way of any discovery procedure.
- (3) By way of any request for public records pursuant to present law.

Proposed law provides that nothing in proposed law limits the discovery or introduction in evidence of knowledge acquired by any peace officer or public safety personnel from observations made during the course of employment, or material or information acquired during the course of employment, that was not discovered during a peer support session and is otherwise subject to discovery or introduction in evidence. Proposed law provides that this privilege does not apply to any of the following:

- (1) Any threat of suicide or homicide made by a peace officer or public safety personnel in a peer support session, or any information conveyed in a peer support session relating to a threat of suicide or homicide.
- (2) Any information mandated by law to be reported, including but not limited to information relating to child or elderly abuse or neglect or domestic violence.
- (3) Any communication that reveals the commission of a crime, or the intended commission of a crime or harmful act, when such disclosure is determined by the 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.
- (4) Any communication made to a peer support member not in connection with a peer support session, or when the peer support member responded to, was a witness to, or was a party to, an incident in a capacity other than a peer support member.

Proposed law provides that any communication relating to a peer support session made confidential under proposed law that is made between peer support members, or between peer support members and peace officers or public safety personnel, is privileged and confidential and may not be disclosed, except as otherwise provided in proposed law.

Proposed law provides that it is supplementary to any other present law relating to applicable privilege, confidentiality, and public records exemptions.

Proposed law provides that any peer support member or other person who reveals the contents of a privileged communication, or any person who threatens, intimidates, or in any way attempts to compel a peer support member to disclose the contents of a privileged communication, is subject to

discipline or penalties imposed by the governmental entity, and further is guilty of a misdemeanor and subject to a fine of up to \$1,000, or imprisonment of up to six months, or both.

Proposed law provides that any governmental entity who has a peer support program, and its employees and agents, including peer support members, is immune from civil liability for, or resulting from, any act, decision, omission, communication, writing, report, finding, opinion, or conclusion, done by or made in good faith while engaged in efforts to assist peace officers and public safety personnel through a peer support program.

Proposed law provides that a person who in good faith reports information or takes action in connection with any peer support program is immune from civil liability for reporting information or taking any such action, or participating therein, and in particular, in any peer support session. Proposed law further provides that this immunity does not protect a person who makes a report known to be false, or with reckless disregard for the truth. Proposed law further provides that the civil immunity provided by proposed law is to be liberally construed to accomplish the purposes of proposed law.

Present law provides exemptions from the Public Records Law.

Proposed law retains present law and adds that the Public Records Law does not apply to any and all records, files, documents, communications, and information contained therein, that are made, generated, received, or maintained by or in connection with a peace officer or public safety personnel peer support session or program conducted by a peer support member as defined in present law and proposed law.

Effective August 1, 2020.

(Adds R.S. 40:2411 and R.S. 44:4(59))