

## RÉSUMÉ DIGEST

ACT 283 (SB 66)

2021 Regular Session

Bernard

New law provides relative to peace officers and public safety personnel peer support, and provides relative to legislative intent and public policy of the state with regard to the matters addressed by new law.

New law provides that a peace officer or public safety personnel cannot be mandated to participate in a peer support session, except for participation in a peer support session following a critical incident if required by a governmental entity.

New law provides the following definitions:

- (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 of the following:
  - (a) An employee of the state or public agency whose permanent duties include making arrests, performing searches and seizures, or executing criminal warrants, and who is responsible for the prevention or detection of crime or the enforcement of the penal, traffic, or highway laws of this state, but does not include any elected or appointed head of a law enforcement department.
  - (b) A sheriff's deputy whose duties include the care, custody, and control of inmates.
  - (c) A military police officer within the Military Department, state of Louisiana.
  - (d) Security personnel employed by the La. Supreme Court.
  - (e) Security personnel employed by any court of appeal of the state.
- (3) "Peer support member" means a person specially trained and certified to voluntarily provide confidential emotional and moral support and assistance to peace officers and public safety personnel and who is approved as a peer support member by the executive director of the Louisiana Commission on Law Enforcement and Administration of Criminal Justice, but need not be a peace officer or a licensed counselor or mental health professional.
- (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, 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, and includes a group session 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 as approved by the executive director of the Louisiana Commission on Law Enforcement and Administration of Criminal Justice.
- (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 a dispatcher, public safety telecommunicator, crime scene and crime laboratory technician, and criminal analyst.

New law provides that any governmental entity that establishes a peer support program must ensure that peer support members successfully complete the training required by new law before being designated as a peer support member.

New law applies only to peer support sessions conducted by an employee or agent of a governmental entity who has both successfully completed peer support training and, at the time of the peer support session, has been designated by a governmental entity to act as a peer support member.

New law provides that information, reports, records, or communications in any form that are made, generated, received, or maintained in connection with a peer support program or session are deemed privileged and confidential, and are not public records.

New law provides that except as provided by law, no person, including a peer support member, can disclose any information relating to a peer support session to any other person without the prior written approval of the peace officer or public safety personnel who is the subject of the peer support session, or his legal successor. However, new law provides that this does not prohibit or limit communication between peer support members, and does not prohibit or limit peer support members from sharing among themselves information about a peace officer or public safety personnel for purposes of furthering the goals of new law. New law further provides that a governmental entity is not prohibited from compiling and maintaining statistics relating to a peer support program or session, but these statistics cannot contain information that could identify a peace officer or public safety personnel participating in a session or program.

New law provides that a person cannot be required to disclose, under subpoena or public records request, any records, documents, opinions, or decisions relating to information made privileged and confidential by new law either in connection with an administrative or court case, or by way of any discovery procedure or public records request.

New law provides that the privilege and confidentiality created by new law are supplementary to any other statute, rule, or jurisprudence creating or relating to an applicable privilege, confidentiality, or public records exemption.

New law provides that any person who reveals the contents of a privileged or confidential communication, or any person who threatens, intimidates, or attempts to compel a peer support member to disclose the contents of a privileged communication, is subject to any discipline or penalties imposed by the governmental entity. Additionally, new law provides that such person is guilty of a misdemeanor and will be fined up to \$1,000, or imprisoned for up to six months, or both.

New law provides that the privilege and confidentiality created by new law does not apply to:

- (1) A threat of suicide or homicide made by a peace officer or public safety personnel in a peer support session or any information related thereto.
- (2) Information mandated by law to be reported, including information relating to child or elderly abuse or neglect, or domestic violence.
- (3) Any communication that reveals the commission of a crime.
- (4) Any communication that reveals the intended commission of a crime or harmful act.
- (5) 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.

New law does not limit the discovery or introduction in evidence of knowledge acquired by a 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.

New law provides that any governmental entity and its employees and agents (including peer support members) are immune from civil liability for any act or omission made in good faith while engaged in efforts to assist a peace officer or public safety personnel through a peer support program. New law further 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 or taking such action, but this immunity does not protect a person who makes a report known to be false or with reckless disregard for the truth.

New law provides that the civil immunity created by new law is to be liberally construed to accomplish the purposes of new law.

Prior law provided relative to the Public Records Law and provides exemptions from prior law.

New law retains prior law and adds that the Public Records Law does not apply to records, files, documents, and communications, and information contained therein, that are made, generated, received, or maintained by or in connection with a peace officer and public safety personnel peer support program or session conducted by a trained peer support member. Also adds that Public Records Law does not apply to any records, files, documents, and communications, and any information contained therein, that are made, generated, received, or maintained by the Louisiana Commission on Law Enforcement and Administration of Criminal Justice relating to personal information of approved peer support members.

Effective August 1, 2021.

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