

- (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.

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

Proposed 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.

Proposed 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.

Proposed 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, proposed 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 proposed law. Proposed 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.

Proposed 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 proposed law either in connection with an administrative or court case, or by way of any discovery procedure or public records request.

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

Proposed 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, proposed 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.

Proposed law provides that the privilege and confidentiality created by proposed 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.

Proposed 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.

Proposed 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. Proposed 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.

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

Present law provides relative to the Public Records Law and provides exemptions from present law.

Proposed law retains present 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))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary B to the original bill

1. Deletes the requirement in the definition of "peer support member" that the member be approved by the governmental entity that established the peer support program.

Senate Floor Amendments to engrossed bill

1. Clarify the definitions of "peer support member" and "peer support training".
2. Clarify that when peer support information may be disclosed without written approval of the peace officer who is the subject of a peer support session.
3. Clarify that privilege and confidentiality does not apply to commission of a crime or the intended commission of a crime or harmful act.
4. Provide that records that the Public Records Law does not apply to any records, files, documents, and information made, generated, received, or maintained by the Louisiana Commission on Law Enforcement and Administration of Criminal Justice relating to certain peer support members.
5. Make technical corrections.