

House Bill 703

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 Title 45 of the Official Code of Georgia Annotated, relating to
4 public officers and employees, so as to create the Governor's Office of Public Safety Support;
5 to provide for a director; to provide for responsibilities of the office; to provide for office
6 space, staff, supplies, and materials; to provide for definitions; to provide for related matters;
7 to provide for a contingent effective date based on funding; to repeal conflicting laws; and
8 for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 style="text-align:center">**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 ~~law enforcement employee~~ public safety officer or a ~~law~~
17 ~~enforcement~~ public safety 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 Governor's Office of Public Safety Support; or

21 (B) An individual who is certified by the director of the Governor's Office of Public
22 Safety Support pursuant to subsection (b) of Code Section 45-25-4 and who is an
23 employee of a public entity that employs public safety officers and designated by the
24 executive head of such public entity that employs public safety officers ~~an employee~~
25 ~~of a law enforcement agency who has received training to provide emotional and moral~~

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

28 (4) 'Public entity' shall have the same meaning as provided for in Code Section 45-25-1.

29 (5) 'Public safety officer' shall have the same meaning as provided for in Code Section
 30 45-25-1.

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

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

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

39 (2) Compelled by court order;

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

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

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

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

48 **SECTION 2.**

49 Title 45 of the Official Code of Georgia Annotated, relating to public officers and employees,
 50 is amended by adding a new chapter to read as follows:

51 "CHAPTER 25

52 45-25-1.

53 As used in this chapter, the term:

54 (1) 'Director' means the director of the Governor's Office of Public Safety Support.

55 (2) 'Emergency management rescue specialist' means any person licensed as an
 56 emergency management rescue specialist pursuant to Code Section 38-3-36.

57 (3) 'Emergency medical technician' means any person who is:

58 (A) Certified as an emergency medical technician, paramedic, or cardiac technician
 59 under Chapter 11 of Title 31; and

60 (B) Employed in the capacity for which they are so certified by a department, agency,
61 authority, or other instrumentality of state or local government.

62 (4)(A) 'Firefighter' means any person who is employed as a professional firefighter on
63 a full-time or part-time basis by any municipal, county, or state government fire
64 department employing three or more firefighters and who has the responsibility of
65 preventing and suppressing fires, protecting life and property, enforcing municipal,
66 county, and state fire prevention codes, enforcing any law pertaining to the prevention
67 and suppression of fires or who performs any acts or actions while on duty or when
68 responding to a fire or emergency during any fire or other emergency or while
69 performing duties intended to protect life and property.

70 (B) 'Firefighter' shall also mean any individual serving as an officially recognized or
71 designated member of a legally organized volunteer fire department, or any employee
72 of the State Forestry Commission whose job duties include fire mitigation, who
73 performs any acts or actions while on duty or when responding to a fire or emergency
74 during any fire or other emergency or while performing duties intended to protect life
75 and property.

76 (C) 'Firefighter' shall also mean any individual employed by a person or corporation
77 which has a contract with a municipal corporation or county to provide fire prevention
78 and fire-fighting services to such municipal corporation or county and has the
79 responsibility of preventing and suppressing fires, protecting life and property,
80 enforcing municipal or county fire prevention codes, enforcing any municipal or county
81 ordinances pertaining to the prevention and control of fires or who performs any acts
82 or actions while on duty or when responding to a fire or emergency during any fire or
83 other emergency or while performing duties intended to protect life and property.

84 (5) 'Law enforcement officer' means any agent or officer of this state, a political
85 subdivision or municipality of this state, or an authority of this state or a political
86 subdivision of this state who, as a full-time or part-time employee, is vested either
87 expressly by law or by virtue of public employment or service with authority to enforce
88 the criminal or traffic laws with the power of arrest and whose duties include the
89 preservation of public order, the protection of life and property, or the prevention,
90 detection, or investigation of crime. Such term also includes the employees designated
91 by the commissioner of juvenile justice pursuant to paragraph (2) of subsection (i) of
92 Code Section 49-4A-8 who have the duty to investigate and apprehend delinquent
93 children, or the supervision of delinquent children under intensive supervision in the
94 community, and any child with a pending juvenile court case alleging the child to be a
95 child in need of services who has escaped from a facility under the jurisdiction of the
96 Department of Juvenile Justice or who has broken the conditions of supervision. Such

97 term also includes any members of the Georgia National Guard, the composition of which
 98 is set forth in Code Section 38-2-3, who have been called into active state service by the
 99 Governor.

100 (6) 'Public entity' means any agency or department of this state or a political subdivision
 101 or municipality of this state or an authority of this state.

102 (7) 'Public safety officer' means and includes:

103 (A) Emergency management rescue specialists;

104 (B) Emergency medical technicians;

105 (C) Firefighters or other employees of a fire department;

106 (D) Law enforcement officers or other employees of a law enforcement agency;

107 (E) Members of the Georgia National Guard, the composition of which is set forth in
 108 Code Section 38-2-3;

109 (F) Prison guards;

110 (G) State highway employees; or

111 (H) Any other individuals employed by a public entity who, due to circumstances,
 112 performed activities and actions similar to that of an emergency management rescue
 113 specialist, emergency medical technician, firefighter, law enforcement officer or other
 114 employee of a law enforcement agency, prison guard, or state highway employee as
 115 determined by the director.

116 (8) 'Prison guard' means any person employed by the state or any political subdivision
 117 thereof whose principal duties relate to the supervision and incarceration of persons
 118 accused or convicted of the violation of the criminal laws of this state or any political
 119 subdivision thereof. Such term shall also mean any community supervision officer who
 120 is required to be certified under Chapter 8 of Title 35, the 'Georgia Peace Officer
 121 Standards and Training Act,' and whose principal duties directly relate to the supervision
 122 of probationers or parolees. Such term also means any person employed by the state or
 123 any political subdivision thereof whose principal duties include the supervision of youth
 124 who are charged with or adjudicated for an act which if committed by adults would be
 125 considered a crime.

126 (9) 'State highway employee' means an employee of the Georgia Department of
 127 Transportation who receives compensation directly therefrom and regularly engages in
 128 duties necessary for the construction, maintenance, or operation of roadways on or within
 129 the public roads of this state as defined in paragraph (24) of Code Section 32-1-3.

130 45-25-2.

131 There is created within the executive department the Governor's Office of Public Safety
132 Support. The Governor's Office of Public Safety Support is assigned to the Department of
133 Public Safety for administrative purposes only as provided in Code Section 50-4-3.

134 45-25-3.

135 The director shall be appointed by the Governor and serve at his or her pleasure. The
136 director shall be an individual with experience as a public safety officer and who has
137 received training and exhibited a demonstrated professional ability to provide emotional
138 and moral support to public safety officers. The director may also otherwise serve as a
139 public safety officer within any agency of the executive department. The director is
140 charged and empowered to carry out the responsibilities of the Governor's Office of Public
141 Safety Support.

142 45-25-4.

143 (a) The Governor's Office of Public Safety Support shall respond to and provide
144 counseling services or any other critical incident support services to all requesting public
145 entities that employ public safety officers for incidents, including, but not limited to,
146 counseling for situations involving death or other tragedies. The office shall respond to and
147 provide counseling services for the benefit of public safety officers or immediate family
148 of public safety officers. The office may utilize local critical incident support service
149 providers, including, but not limited to, chaplains, mental health professionals, and public
150 safety officer peers. The office shall develop and host training courses in critical incident
151 stress management and in any other related subject matter for the benefit of public safety
152 officers.

153 (b) The director shall certify individuals as having received training and demonstrated
154 ability to provide emotional and moral support to public safety officers and their families
155 consistent with the purposes of this chapter.

156 45-25-5.

157 The Governor is authorized to provide and designate for the use of the director such space
158 as shall be necessary to quarter the director and his or her staff. The director shall establish
159 policies and procedures for the implementation of this chapter and is authorized to employ
160 and secure the necessary staff, supplies, and materials to carry out this chapter, subject to
161 the approval of the Governor."

162

SECTION 3.

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

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

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

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

168

SECTION 4.

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