

HOUSE BILL 222

By Jones

AN ACT to amend Tennessee Code Annotated, Title 24, Chapter 1, Part 2, relative to privileged communications.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 24, Chapter 1, Part 2, is amended by adding the following as a new section:

(a)

(1) A peer support group counselor shall not, without consent of the law enforcement officer, firefighter, or emergency medical services personnel making the communication, be compelled to testify about any communication made to the counselor by a law enforcement officer, a firefighter, or emergency medical services personnel while receiving counseling.

(2) A counselor must be designated a peer support group counselor by the sheriff, police chief, fire chief, director of emergency medical services, colonel of the Tennessee highway patrol, or director of the Tennessee bureau of investigation prior to the incident that results in counseling for this privilege to apply.

(3) Privilege applies only when a communication was made to a designated counselor acting in the capacity of a peer support group counselor. Privilege does not apply if a designated counselor was an initial responding law enforcement officer, firefighter, or emergency medical services personnel, or a witness or party to the incident that prompted the provision of peer support group

counseling services to a law enforcement officer, a firefighter, or emergency medical services personnel.

(b) For purposes of this section, “peer support group counselor” means:

(1) A law enforcement officer, a firefighter, emergency medical services personnel, or a civilian employee of a law enforcement agency or fire department, who has received training to provide emotional and moral support and counseling to a law enforcement officer, a firefighter, or emergency medical services personnel who needs those services as a result of an incident involving the law enforcement officer, firefighter, or emergency medical services personnel in an official capacity; or

(2) A nonemployee counselor who has been designated by the sheriff, police chief, fire chief, director of emergency medical services, colonel of the Tennessee highway patrol, or director of the Tennessee bureau of investigation to provide emotional and moral support and counseling to a law enforcement officer, a firefighter, or emergency medical services personnel who needs those services as a result of an incident involving the law enforcement officer, firefighter, or emergency medical services personnel in an official capacity.

SECTION 2. This act shall take effect July 1, 2015, the public welfare requiring it.