

House Bill 872 (AS PASSED HOUSE AND SENATE)

By: Representatives Rogers of the 10th, Hitchens of the 161st, Lumsden of the 12th, Benton of the 31st, Powell of the 32nd, and others

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 create a privileged communication between law enforcement officers and
3 peer counselors under certain circumstances; to provide for definitions; to provide for
4 exceptions; to provide for related matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 Chapter 5 of Title 24 of the Official Code of Georgia Annotated, relating to privileges, is
8 amended by adding a new Code section to read as follows:

9 "24-5-510.

10 (a) As used in this Code section, the term:

11 (1) 'Client' means a law enforcement employee or a law enforcement officer's immediate
12 family.

13 (2) 'Immediate family' means the spouse, child, stepchild, parent, or stepparent.

14 (3) 'Peer counselor' means an employee of a law enforcement agency who has received
15 training to provide emotional and moral support to a client and was designated by a
16 sheriff, police chief, or other head of a law enforcement agency to counsel clients.

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

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

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

25 (2) Compelled by court order;

- 26 (3) The peer counselor was an initial responding officer, witness, or party to an act that
27 is the subject of the counseling;
28 (4) The communication was made when the peer counselor was not performing official
29 duties; or
30 (5) The client is charged with a crime.
31 (d) The privilege created by this Code section shall not be grounds to fail to comply with
32 mandatory reporting requirements as set forth in Code Section 19-7-5 or Chapter 5 of Title
33 30, the 'Disabled Adults and Elder Persons Protection Act.'"

34 **SECTION 2.**

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