

B-Engrossed
Senate Bill 212

Ordered by the House May 22
Including Senate Amendments dated March 22 and House Amendments
dated May 22

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Governor Kate Brown for Oregon Youth Authority)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Makes confidential and exempts from discovery and public records certain communications and information conveyed during, to facilitate or to follow up on peer support check-in sessions with [*Oregon Youth Authority*] employees of **Oregon Youth Authority or county juvenile department**. Creates exceptions.

A BILL FOR AN ACT

1
2 Relating to peer support confidentiality.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. (1) For the purposes of this section:**

5 (a) **“Participant” means an employee of the Oregon Youth Authority or a county juvenile**
6 **department who engages in a peer support check-in session or who communicates with a**
7 **peer support team member about engaging in a peer support check-in session.**

8 (b) **“Peer support check-in session” means a meeting between a participant and a peer**
9 **support team member to provide emotional and moral support for the participant.**

10 (c) **“Peer support communication” means a communication made by a participant or peer**
11 **support team member during a peer support check-in session and any communication made**
12 **by a peer support team member or participant to facilitate or to follow up on a peer support**
13 **check-in session.**

14 (d) **“Peer support team member” means a person described in subsection (3) of this sec-**
15 **tion.**

16 (2) **Peer support communications are confidential and may not be disclosed by the peer**
17 **support team member.**

18 (3) **The provisions of this section apply only to peer support check-in sessions conducted**
19 **by a person who:**

20 (a) **Has been designated to act as a peer support team member:**

21 (A) **By the youth authority, if the person will engage in peer support check-in sessions**
22 **with a participant who is an employee of the youth authority; or**

23 (B) **By a county juvenile department, if the person will engage in peer support check-in**
24 **sessions with a participant who is an employee of the county juvenile department;**

25 (b) **Has received training in providing emotional and moral support, intervening and**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 mentoring through crises and assessing and referring to services for juvenile corrections
2 personnel who have been involved in emotionally traumatic incidents; and

3 (c) Receives annual continuing education.

4 (4) Peer support communications are not public records for the purpose of ORS 192.311
5 to 192.478.

6 (5)(a) Peer support communications are not admissible in any judicial proceeding, ad-
7 ministrative proceeding, arbitration proceeding or other adjudicatory proceeding. Communi-
8 cations and information made confidential under this section may not be disclosed by the
9 participant or peer support team member in any judicial proceeding, administrative pro-
10 ceeding, arbitration proceeding or other adjudicatory proceeding.

11 (b) The limitations on disclosure imposed by paragraph (a) of this subsection:

12 (A) Include disclosure during any discovery conducted as part of an adjudicatory pro-
13 ceeding.

14 (B) Do not apply if the participant has expressly consented to the disclosure.

15 (6) Nothing in this section limits the discovery or introduction in evidence of knowledge
16 acquired by youth authority or county juvenile department personnel from observation made
17 during the course of employment, or material or information acquired during the course of
18 employment, that is otherwise subject to discovery or introduction in evidence.

19 (7) This section does not apply to:

20 (a) Any threat of suicide or homicide made by a participant in a peer support check-in
21 session, or any information conveyed in a peer support check-in session relating to a threat
22 of suicide or homicide;

23 (b) Any information relating to abuse of children or of the elderly, or other information
24 that is required to be reported by law; or

25 (c) Any admission of criminal conduct.

26 (8) Notwithstanding subsection (2) of this section, nothing in this section prohibits any
27 communications between peer support team members who conduct peer support check-in
28 sessions.

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