

Senate Bill 212

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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 **as introduced**.

Makes confidential and exempts from discovery and public records certain communications and information conveyed during peer support check-in sessions with Oregon Youth Authority employees. 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.**

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

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8 (c) **"Peer support team member" means a person described in subsection (3) of this section.**

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10 (2) **Any communication made by a participant or peer support team member in a peer support check-in session, and any oral or written information conveyed in the peer support check-in session, is confidential and may not be disclosed by the peer support team member.**

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

13 (a) **Has been designated by the authority to act as a peer support team member; and**

14 (b) **Has received training in providing emotional and moral support to juvenile corrections personnel who have been involved in emotionally traumatic incidents by reason of their employment.**

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16 (4) **The provisions of this section apply to all oral communications, notes, records and reports arising out of a peer support check-in session. Any notes, records or reports arising out of a peer support check-in session are not public records for the purpose of ORS 192.311 to 192.478.**

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18 (5) **Any communication made by a participant or peer support team member in a peer support check-in session subject to this section is not admissible in any judicial proceeding, administrative proceeding, arbitration proceeding or other adjudicatory proceeding. Communications and information made confidential under this section may not be disclosed by the participant or peer support team member in any judicial proceeding, administrative proceeding, arbitration proceeding or other adjudicatory proceeding. The limitations on disclosure imposed by this subsection include disclosure during any discovery conducted as part of an adjudicatory proceeding.**

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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 **(6) Nothing in this section limits the discovery or introduction in evidence of knowledge**
2 **acquired by the authority from observation made during the course of employment, or ma-**
3 **terial or information acquired during the course of employment, that is otherwise subject to**
4 **discovery or introduction in evidence.**

5 **(7) This section does not apply to:**

6 **(a) Any threat of suicide or homicide made by a participant in a peer support check-in**
7 **session, or any information conveyed in a peer support check-in session relating to a threat**
8 **of suicide or homicide;**

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

11 **(c) Any admission of criminal conduct that occurs in an authority work location or while**
12 **performing official duties.**

13 **(8) Notwithstanding subsection (2) of this section, nothing in this section prohibits any**
14 **communications between peer support team members who conduct peer support check-in**
15 **sessions.**

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