

HB 3929 A STAFF MEASURE SUMMARY

Senate Committee On Judiciary

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Meeting Dates: 5/6

WHAT THE MEASURE DOES:

The measure modifies the confidentiality protections for peer support services in ORS 181A.835. The measure restructures the definitions in ORS 181A.835 so that the confidentiality protections cover "peer support services," not just "peer support counseling sessions," provided by "public safety agencies," "mass transit districts," and "emergency services providers" to their employees via designated and trained "peer supporters." The measure places limits on the circumstances under which these communications are confidential and clarifies that the covered communications are confidential, are not admissible in judicial proceedings, and are not public records. It adds the Marshal's Office of the Oregon Judicial Department to the definition of "public safety agency."

HOUSE VOTE: Ayes, 49; Excused, 3; Excused for Business of the House, 8

REVENUE: No revenue impact

FISCAL: Has minimal fiscal impact

ISSUES DISCUSSED:

- Benefit of peer support to public safety personnel

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

First responders experience a higher rate of traumatic events than the general public. [One study](#) reports that, compared to non-first responders, of whom about 50 percent experience a traumatic event in their lifetime, 84 percent of first responders report experiencing a traumatic event. According to that same study, law enforcement, firefighters, and dispatchers have a PTSD prevalence between seven and 22 percent compared to only four percent for the general public. One tool to address impacts of these traumatic events employed by public safety agencies is peer support services that provide emotional and moral support to first responders involved in traumatic incidents on the job. A key component of many services, including peer support services, is their confidentiality.

Under ORS 181A.835, "any communication made by a participant or counselor in a peer support counseling session conducted by a law enforcement agency or by an emergency services provider for public safety personnel or emergency services personnel, and any oral or written information conveyed in the peer support counseling session, is confidential and may not be disclosed by any person participating in the peer support counseling session." In addition, such communications are not admissible in any adjudicatory proceeding including any discovery conducted therein. The protections in ORS 181A.835 apply to firefighters, sheriffs, police officers, parole and probation officers, corrections employees, reserve officers, telecommunicators, and emergency medical dispatchers. This confidentiality is not absolute; the statute states that the section does not limit evidence that is otherwise subject to discovery or introduction into evidence and clarifies that the section does not apply to threats of suicide or homicide, information subject to mandatory reporting such as child or elder abuse, or admissions of criminal conduct. It also clarifies that it does not prohibit communications between peer support counselors and other employee assistance program staff.