

HOUSE AMENDMENTS TO HOUSE BILL 3929

By COMMITTEE ON JUDICIARY

April 15

On page 1 of the printed bill, delete line 3 and insert "181A.835."

Delete lines 5 through 27 and delete page 2 and insert:

"SECTION 1. ORS 181A.835 is amended to read:

"181A.835. (1) For the purposes of this section:

"(a) 'Emergency services provider' means any public employer that employs persons to provide firefighting **or emergency medical** services.

"[(b) 'Emergency services personnel' means any employee of an emergency services provider who is engaged in providing firefighting services.]

"[(c)] (b) 'Employee assistance program' means a program established by a [law enforcement] **public safety** agency, emergency services provider or mass transit district to provide counseling or support services to employees of the [law enforcement] **public safety** agency, emergency services provider or mass transit district.

"[(d) 'Law enforcement agency' means any county sheriff, municipal police department, police department established by a university under ORS 352.121 or 353.125, the Oregon State Police and any state or local public body that employs or utilizes public safety personnel.]

"[(e)] (c) 'Mass transit district' means a mass transit district established under ORS 267.010 to 267.394.

"[(f) 'Mass transit district personnel' means an employee of a mass transit district.]

"[(g) 'Public safety personnel' means a sheriff, deputy sheriff, municipal police officer, police officer commissioned by a university under ORS 352.121 or 353.125, state police officer, parole and probation officer, corrections employee, certified reserve officer, reserve officer, telecommunicator or emergency medical dispatcher.]

"[(2) Any communication made by a participant or counselor in a peer support counseling session conducted by a law enforcement agency, an emergency services provider or a mass transit district for public safety personnel, emergency services personnel or mass transit district 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.]

"(d) 'Peer support services recipient' means an employee of a public safety agency, emergency services provider or mass transit district who receives peer support services.

"(e) 'Peer supporter' means a person who has been designated by a public safety agency, an emergency services provider or a mass transit district and who has received training approved by a public safety agency, emergency services provider or mass transit district to provide emotional and moral support and services to a peer support services recipient who needs the support and services as a result of an incident in which the peer support services recipient was involved while acting in the peer support services recipient's official capacity

1 or to deal with other stress that impacts the peer support services recipient's performance
2 of official duties.

3 "(f) 'Public safety agency' means:

4 "(A) A county sheriff, municipal police department or police department established by
5 a university under ORS 352.121 or 353.125.

6 "(B) The Oregon State Police.

7 "(C) The Department of Public Safety Standards and Training.

8 "(D) The Department of Corrections.

9 "(E) An employer of parole and probation officers, as defined in ORS 181A.355.

10 "(F) The Marshal's Office of the Judicial Department.

11 "(G) An employer of telecommunicators, as defined in ORS 181A.355.

12 "(H) An office of a medical examiner, as defined in ORS 146.003.

13 "(2)(a) This section applies only to communications or information when:

14 "(A) The peer support services recipient or peer supporter made the communication or
15 conveyed the information while receiving or providing individual or group peer support ser-
16 vices as a result of a traumatic event or repeated exposure to traumatic events in which the
17 peer support services recipient was involved while acting in the peer support services
18 recipient's official capacity;

19 "(B) A public safety agency, emergency services provider or mass transit agency desig-
20 nated the peer supporter as a peer supporter before the peer support services occurred;

21 "(C) The communication was made or the information was conveyed while the peer sup-
22 porter was acting in the capacity of a peer supporter; and

23 "(D) The peer supporter was not directly involved in any traumatic event that caused the
24 peer support services recipient to need peer support services.

25 "(b) This section applies to communications or information regardless of whether the
26 peer supporter and the peer support services recipient are employed by the same employer.

27 "(3) Any communication or oral or written information that satisfies the requirements
28 of subsection (2) of this section that is made or conveyed by a peer support services recipient
29 or a peer supporter in the course of peer support services conducted by a public safety
30 agency, an emergency services provider or a mass transit district is confidential and may
31 not be disclosed by any person participating in the peer support services.

32 "[(3)] (4) Any communication relating to [a peer support counseling session] peer support ser-
33 vices made confidential under subsection [(2)] (3) of this section that is made between [counselors,
34 between counselors] peer supporters, between peer supporters and the supervisors or staff of an
35 employee assistance program, or between the supervisors or staff of an employee assistance pro-
36 gram, is confidential and may not be disclosed.

37 "[(4) The provisions of this section apply only to peer support counseling sessions conducted by an
38 employee or other person who:]

39 "[(a) Has been designated by a law enforcement agency, emergency services provider or mass
40 transit district, or by an employee assistance program, to act as a counselor; and]

41 "[(b) Has received training in counseling and in providing emotional and moral support to public
42 safety personnel, emergency services personnel or mass transit district personnel who have been in-
43 volved in emotionally traumatic incidents by reason of their employment.]

44 "(5) Any communication or oral or written information that satisfies the requirements
45 of subsection (2) of this section that is made by a peer support services recipient or peer

1 supporter in the course of peer support services is not admissible in any judicial proceeding,
2 administrative proceeding, arbitration proceeding or other adjudicatory proceeding. Commu-
3 nications and information made confidential under this section may not be disclosed by the
4 participants in any judicial proceeding, administrative proceeding, arbitration proceeding or
5 other adjudicatory proceeding. The limitations on disclosure imposed by this subsection in-
6 clude disclosure during any discovery conducted as part of an adjudicatory proceeding.

7 “[5] (6) The provisions of this section apply to all oral communications, notes, records and re-
8 ports arising out of [a peer support counseling session] **peer support services**. Any notes, records
9 or reports arising out of [a peer support counseling session] **peer support services** are not public
10 records for the purpose of ORS 192.311 to 192.478.

11 “[6] Any communication made by a participant or counselor in a peer support counseling session
12 subject to this section, and any oral or written information conveyed in a peer support counseling ses-
13 sion subject to this section, is not admissible in any judicial proceeding, administrative proceeding,
14 arbitration proceeding or other adjudicatory proceeding. Communications and information made confi-
15 dential under this section may not be disclosed by the participants in any judicial proceeding, admin-
16 istrative proceeding, arbitration proceeding or other adjudicatory proceeding. The limitations on
17 disclosure imposed by this subsection include disclosure during any discovery conducted as part of an
18 adjudicatory proceeding.]

19 “(7) Nothing in this section limits the discovery or introduction in evidence of knowledge ac-
20 quired by any [public safety personnel, emergency services personnel or mass transit district
21 personnel] **peer supporter or employee of a public safety agency, emergency services provider**
22 **or mass transit district** from observation made during the course of employment, or material or
23 information acquired during the course of employment, that is otherwise subject to discovery or in-
24 troduction in evidence.

25 “(8) This section does not apply to:

26 “(a) Any threat of suicide or homicide made by a participant in [a peer support counseling
27 session] **peer support services**, or any information conveyed in [a peer support counseling session]
28 **the course of peer support services** relating to a threat of suicide or homicide;

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

31 “(c) Any admission of criminal conduct.

32 “(9) This section does not prohibit any communications between [counselors who conduct peer
33 support counseling sessions] **peer supporters**, or any communications between [counselors] **peer**
34 **supporters** and the supervisors or staff of an employee assistance program.

35 “**SECTION 2. The amendments to ORS 181A.835 by section 1 of this 2025 Act apply to**
36 **communications and information made or conveyed on or after the effective date of this 2025**
37 **Act.”.**