

Requested by Representative LEWIS

**PROPOSED AMENDMENTS TO
HOUSE BILL 3929**

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

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

3 **“SECTION 1.** ORS 181A.835 is amended to read:

4 “181A.835. (1) For the purposes of this section:

5 “(a) ‘Emergency services provider’ means any public employer that em-
6 ploys persons to provide firefighting **or emergency medical** services.

7 “[*(b)* ‘Emergency services personnel’ means any employee of an emergency
8 services provider who is engaged in providing firefighting services.]

9 “[*(c)*] **(b)** ‘Employee assistance program’ means a program established by
10 a [*law enforcement*] **public safety** agency, emergency services provider or
11 mass transit district to provide counseling or support services to employees
12 of the [*law enforcement*] **public safety** agency, emergency services provider
13 or mass transit district.

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

18 “[*(e)*] **(c)** ‘Mass transit district’ means a mass transit district established
19 under ORS 267.010 to 267.394.

20 “[*(f)* ‘Mass transit district personnel’ means an employee of a mass transit
21 district.]

1 “[g] ‘Public safety personnel’ means a sheriff, deputy sheriff, municipal
2 police officer, police officer commissioned by a university under ORS 352.121
3 or 353.125, state police officer, parole and probation officer, corrections em-
4 ployee, certified reserve officer, reserve officer, telecommunicator or emergency
5 medical dispatcher.]

6 “[2] Any communication made by a participant or counselor in a peer
7 support counseling session conducted by a law enforcement agency, an emer-
8 gency services provider or a mass transit district for public safety personnel,
9 emergency services personnel or mass transit district personnel, and any oral
10 or written information conveyed in the peer support counseling session, is
11 confidential and may not be disclosed by any person participating in the peer
12 support counseling session.]

13 **“(d) ‘Peer support services recipient’ means an employee of a public
14 safety agency, emergency services provider or mass transit district
15 who receives peer support services.**

16 **“(e) ‘Peer supporter’ means a person who has been designated by a
17 public safety agency, an emergency services provider or a mass transit
18 district and who has received training approved by a public safety
19 agency, emergency services provider or mass transit district to provide
20 emotional and moral support and services to a peer support services
21 recipient who needs the support and services as a result of an incident
22 in which the peer support services recipient was involved while acting
23 in the peer support services recipient’s official capacity or to deal with
24 other stress that impacts the peer support services recipient’s per-
25 formance of official duties.**

26 **“(f) ‘Public safety agency’ means:**

27 **“(A) A county sheriff, municipal police department or police de-
28 partment established by a university under ORS 352.121 or 353.125.**

29 **“(B) The Oregon State Police.**

30 **“(C) The Department of Public Safety Standards and Training.**

1 **“(D) The Department of Corrections.**

2 **“(E) An employer of parole and probation officers, as defined in**
3 **ORS 181A.355.**

4 **“(F) An employer of telecommunicators, as defined in ORS 181A.355.**

5 **“(G) An office of a medical examiner, as defined in ORS 146.003.**

6 **“(2)(a) This section applies only to communications and information**
7 **when:**

8 **“(A) The peer support services recipient or peer supporter made the**
9 **communication or conveyed the information while receiving or pro-**
10 **viding individual or group peer support services as a result of a trau-**
11 **matic event or repeated exposure to traumatic events in which the**
12 **peer support services recipient was involved while acting in the peer**
13 **support services recipient’s official capacity;**

14 **“(B) A public safety agency, emergency services provider or mass**
15 **transit agency designated the peer supporter as a peer supporter before**
16 **the peer support services occurred;**

17 **“(C) The communication was made or the information was con-**
18 **veyed while the peer supporter was acting in the capacity of a peer**
19 **supporter; and**

20 **“(D) The peer supporter was not directly involved in any traumatic**
21 **event that caused the peer support services recipient to need peer**
22 **support services.**

23 **“(b) This section applies to a communications or information re-**
24 **gardless of whether the peer supporter and the peer support services**
25 **recipient are employed by the same employer.**

26 **“(3) Any communication or oral or written information that satis-**
27 **fies the requirements of subsection (2) of this section that is made or**
28 **conveyed by a peer support services recipient or a peer supporter in**
29 **the course of peer support services conducted by a law enforcement**
30 **public safety agency, an emergency services provider or a mass transit**

1 **district is confidential and may not be disclosed by any person partic-**
2 **ipating in the peer support services.**

3 “[~~(3)~~] (4) Any communication relating to [*a peer support counseling*
4 *session*] **peer support services** made confidential under subsection [~~(2)~~] (3)
5 of this section that is made between [*counselors, between counselors*] **peer**
6 **supporters, between peer supporters** and the supervisors or staff of an
7 employee assistance program, or between the supervisors or staff of an em-
8 ployee assistance program, is confidential and may not be disclosed.

9 “[~~(4)~~] *The provisions of this section apply only to peer support counseling*
10 *sessions conducted by an employee or other person who:]*

11 “[*(a) Has been designated by a law enforcement agency, emergency services*
12 *provider or mass transit district, or by an employee assistance program, to act*
13 *as a counselor; and]*

14 “[*(b) Has received training in counseling and in providing emotional and*
15 *moral support to public safety personnel, emergency services personnel or mass*
16 *transit district personnel who have been involved in emotionally traumatic in-*
17 *cidents by reason of their employment.]*

18 “(5) Any communication or oral or written information that satis-
19 fies the requirements of subsection (2) of this section that is made by
20 a peer support services recipient or peer supporter in the course of
21 peer support services is not admissible in any judicial proceeding, ad-
22 ministrative proceeding, arbitration proceeding or other adjudicatory
23 proceeding. Communications and information made confidential under
24 this section may not be disclosed by the participants in any judicial
25 proceeding, administrative proceeding, arbitration proceeding or other
26 adjudicatory proceeding. The limitations on disclosure imposed by this
27 subsection include disclosure during any discovery conducted as part
28 of an adjudicatory proceeding.

29 “[~~(5)~~] (6) The provisions of this section apply to all oral communications,
30 notes, records and reports arising out of [*a peer support counseling session*]

1 **peer support services.** Any notes, records or reports arising out of [*a peer*
2 *support counseling session*] **peer support services** are not public records for
3 the purpose of ORS 192.311 to 192.478.

4 “[*(6) Any communication made by a participant or counselor in a peer*
5 *support counseling session subject to this section, and any oral or written in-*
6 *formation conveyed in a peer support counseling session subject to this section,*
7 *is not admissible in any judicial proceeding, administrative proceeding, arbi-*
8 *tration proceeding or other adjudicatory proceeding. Communications and in-*
9 *formation made confidential under this section may not be disclosed by the*
10 *participants in any judicial proceeding, administrative proceeding, arbitration*
11 *proceeding or other adjudicatory proceeding. The limitations on disclosure*
12 *imposed by this subsection include disclosure during any discovery conducted*
13 *as part of an adjudicatory proceeding.*]

14 “(7) Nothing in this section limits the discovery or introduction in evi-
15 dence of knowledge acquired by any [*public safety personnel, emergency ser-*
16 *vices personnel or mass transit district personnel*] **peer supporter or**
17 **employee of a public safety agency, emergency services provider or**
18 **mass transit district** from observation made during the course of employ-
19 ment, or material or information acquired during the course of employment,
20 that is otherwise subject to discovery or introduction in evidence.

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

22 “(a) Any threat of suicide or homicide made by a participant in [*a peer*
23 *support counseling session*] **peer support services**, or any information con-
24 veyed in [*a peer support counseling session*] **the course of peer support**
25 **services** relating to a threat of suicide or homicide;

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

28 “(c) Any admission of criminal conduct.

29 “(9) This section does not prohibit any communications between [*counse-*
30 *lors who conduct peer support counseling sessions*] **peer supporters**, or any

1 communications between [*counselors*] **peer supporters** and the supervisors
2 or staff of an employee assistance program.

3 **“SECTION 2. The amendments to ORS 181A.835 by section 1 of this**
4 **2025 Act apply to communications and information made or conveyed**
5 **on or after the effective date of this 2025 Act.”.**

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