A-Engrossed Senate Bill 212

Ordered by the Senate March 22 Including Senate Amendments dated March 22

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with presession 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. Creates exceptions.

1	A BILL FOR AN ACT
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 who engages in a
6	peer support check-in session or who communicates with a peer support team member about
7	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 by the youth authority to act as a peer support team member;
21	(b) Has received training in providing emotional and moral support, intervening and
22	mentoring through crises and assessing and referring to services for juvenile corrections
23	personnel who have been involved in emotionally traumatic incidents; and
24	(c) Receives annual continuing education.
25	(4) Peer support communications are not public records for the purpose of ORS 192.311
26	to 192.478.

A-Eng. SB 212

1 (5)(a) Peer support communications are not admissible in any judicial proceeding, ad-2 ministrative proceeding, arbitration proceeding or other adjudicatory proceeding. Communi-3 cations and information made confidential under this section may not be disclosed by the 4 peer support team member in any judicial proceeding, administrative proceeding, arbitration 5 proceeding or other adjudicatory proceeding.

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

7 (A) Include disclosure during any discovery conducted as part of an adjudicatory pro-8 ceeding.

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

10 (6) Nothing in this section limits the discovery or introduction in evidence of knowledge 11 acquired by youth authority personnel from observation made during the course of employ-12 ment, or material or information acquired during the course of employment, that is other-13 wise subject to discovery or introduction in evidence.

14 (7) This section does not apply to:

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

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

(c) Any admission of criminal conduct that occurs in a youth authority work location or
while performing official duties.

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

25

6