

HB 3929 STAFF MEASURE SUMMARY

House Committee On Judiciary

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Meeting Dates: 3/25

WHAT THE MEASURE DOES:

The measure prohibits the examination in a civil or criminal court proceeding of a "peer supporter" about communications made by "peer support services recipients," such as police officers, firefighters, emergency medical services providers, and corrections officers, so long as the recipient was communicating while receiving peer support services in the recipient's official capacity, the peer supporter was acting in their official capacity, a "public safety agency" designated the peer supporter as a peer supporter prior to the communication, and the peer supporter was not involved in any traumatic event that caused the recipient to need peer support services. The measure defines "peer supporter," "peer support services recipient," "public safety agency," and other relevant terms. The measure applies regardless of whether the peer supporter and recipient are employed by the same employer and applies to communications made on or after the measure's effective date.

ISSUES DISCUSSED:

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. Klimley, Kristin E., Van Hasselt, Vincent B., and Stripling, Ashley M. "Posttraumatic stress disorder in police, firefighters, and emergency dispatchers." *Aggression and Violent Behavior* 43 (December 2018): 33-44. <https://doi.org/10.1016/j.avb.2018.08.005>. 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 against the negative effects 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.

For example, 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 judicial proceeding, administrative proceeding, arbitration proceeding or other adjudicatory proceeding," which includes "during any discovery conducted as part of an adjudicatory proceeding." The protections in ORS 181.A.835 apply to firefighters, sheriffs, police officers, parole and probation officers, corrections employees, reserve officers, telecommunicators, and emergency medical dispatchers.