

A-Engrossed
House Bill 3929

Ordered by the House April 15
Including House Amendments dated April 15

Sponsored by Representative LEWIS, Senator PROZANSKI, Representatives KROPF, GRAYBER, HELFRICH, LIVELY, MANNIX, SMITH G, Senators BROADMAN, GORSEK, MANNING JR, MCLANE, MEEK, SMITH DB, SOLLMAN; Representatives ANDERSEN, BOICE, BOSCHART DAVIS, CHOTZEN, DIEHL, EVANS, HARTMAN, LEVY E, OSBORNE, RUIZ, WALLAN, WRIGHT, Senators GIROD, NASH (at the request of Oregon Association Chiefs of Police, Oregon State Sheriffs' Association, Oregon Coalition of Police and Sheriffs, Oregon Fire Chiefs Association, Special Districts Association of Oregon Fire Districts, Oregon State Fire Fighters Council)

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. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act says that some peer supporters may not be examined about what a person said while receiving peer support. (Flesch Readability Score: 63.8).

[Establishes a testimonial privilege for] **Modifies provisions related to the confidentiality and admissibility of communications by certain public safety employees to a peer supporter.**

A BILL FOR AN ACT

1
2 Relating to the wellness of public safety workers; creating new provisions; and amending ORS
3 181A.835.

4 **Be It Enacted by the People of the State of Oregon:**

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

6 181A.835. (1) For the purposes of this section:

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

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

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

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

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

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

21 *[(g) "Public safety personnel" means a sheriff, deputy sheriff, municipal police officer, police officer
22 commissioned by a university under ORS 352.121 or 353.125, state police officer, parole and probation
23 officer, corrections employee, certified reserve officer, reserve officer, telecommunicator or emergency*

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 *medical dispatcher.]*

2 *[(2) Any communication made by a participant or counselor in a peer support counseling session*
3 *conducted by a law enforcement agency, an emergency services provider or a mass transit district for*
4 *public safety personnel, emergency services personnel or mass transit district personnel, and any oral*
5 *or written information conveyed in the peer support counseling session, is confidential and may not be*
6 *disclosed by any person participating in the peer support counseling session.]*

7 **(d) “Peer support services recipient” means an employee of a public safety agency,**
8 **emergency services provider or mass transit district who receives peer support services.**

9 **(e) “Peer supporter” means a person who has been designated by a public safety agency,**
10 **an emergency services provider or a mass transit district and who has received training ap-**
11 **proved by a public safety agency, emergency services provider or mass transit district to**
12 **provide emotional and moral support and services to a peer support services recipient who**
13 **needs the support and services as a result of an incident in which the peer support services**
14 **recipient was involved while acting in the peer support services recipient’s official capacity**
15 **or to deal with other stress that impacts the peer support services recipient’s performance**
16 **of official duties.**

17 **(f) “Public safety agency” means:**

18 **(A) A county sheriff, municipal police department or police department established by a**
19 **university under ORS 352.121 or 353.125.**

20 **(B) The Oregon State Police.**

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

22 **(D) The Department of Corrections.**

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

24 **(F) The Marshal’s Office of the Judicial Department.**

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

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

27 **(2)(a) This section applies only to communications or information when:**

28 **(A) The peer support services recipient or peer supporter made the communication or**
29 **conveyed the information while receiving or providing individual or group peer support ser-**
30 **vices as a result of a traumatic event or repeated exposure to traumatic events in which the**
31 **peer support services recipient was involved while acting in the peer support services**
32 **recipient’s official capacity;**

33 **(B) A public safety agency, emergency services provider or mass transit agency desig-**
34 **minated the peer supporter as a peer supporter before the peer support services occurred;**

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

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

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

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

1 [(3)] (4) Any communication relating to [*a peer support counseling session*] **peer support ser-**
2 **vices** made confidential under subsection [(2)] (3) of this section that is made between [*counselors,*
3 *between counselors*] **peer supporters, between peer supporters** and the supervisors or staff of an
4 employee assistance program, or between the supervisors or staff of an employee assistance pro-
5 gram, is confidential and may not be disclosed.

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

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

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

13 (5) **Any communication or oral or written information that satisfies the requirements of**
14 **subsection (2) of this section that is made by a peer support services recipient or peer sup-**
15 **porter in the course of peer support services is not admissible in any judicial proceeding,**
16 **administrative proceeding, arbitration proceeding or other adjudicatory proceeding. Commu-**
17 **nications and information made confidential under this section may not be disclosed by the**
18 **participants in any judicial proceeding, administrative proceeding, arbitration proceeding or**
19 **other adjudicatory proceeding. The limitations on disclosure imposed by this subsection in-**
20 **clude disclosure during any discovery conducted as part of an adjudicatory proceeding.**

21 [(5)] (6) The provisions of this section apply to all oral communications, notes, records and re-
22 ports arising out of [*a peer support counseling session*] **peer support services**. Any notes, records
23 or reports arising out of [*a peer support counseling session*] **peer support services** are not public
24 records for the purpose of ORS 192.311 to 192.478.

25 [(6) *Any communication made by a participant or counselor in a peer support counseling session*
26 *subject to this section, and any oral or written information conveyed in a peer support counseling ses-*
27 *session subject to this section, is not admissible in any judicial proceeding, administrative proceeding,*
28 *arbitration proceeding or other adjudicatory proceeding. Communications and information made confi-*
29 *dential under this section may not be disclosed by the participants in any judicial proceeding, admin-*
30 *istrative proceeding, arbitration proceeding or other adjudicatory proceeding. The limitations on*
31 *disclosure imposed by this subsection include disclosure during any discovery conducted as part of an*
32 *adjudicatory proceeding.*]

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

39 (8) This section does not apply to:

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

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

45 (c) Any admission of criminal conduct.

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

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

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