

SENATE BILL No. 196

By Committee on Judiciary

2-11

1 AN ACT concerning public safety; relating to peer support counseling
2 sessions.

3
4 *Be it enacted by the Legislature of the State of Kansas:*

5 Section 1. (a) For the purposes of this section:

6 (1) "Emergency services personnel" means any employee of an
7 emergency services provider who is engaged in providing firefighting and
8 emergency medical services.

9 (2) "Emergency services provider" means any public employer that
10 employs persons to provide firefighting and emergency medical services.

11 (3) "Employee assistance program" means a program established by a
12 law enforcement agency or emergency services provider to provide
13 counseling or support services to employees of the law enforcement
14 agency or emergency services provider.

15 (4) "Law enforcement agency" means any state or county public body
16 that employs law enforcement officers.

17 (5) "Law enforcement officer" means a sheriff, deputy sheriff, police
18 officer, parole officer, corrections officer or probation officer.

19 (6) "Peer support counseling session" includes critical incident stress
20 management sessions.

21 (b) Any communication made by a participant or counselor in a peer
22 support counseling session conducted by a law enforcement agency or by
23 an emergency services provider for law enforcement officers or emergency
24 services personnel, and any oral or written information conveyed in the
25 peer support counseling session, are confidential and may not be disclosed
26 by any person participating in the peer support counseling session.

27 (c) Any communication relating to a peer support counseling session
28 made confidential under subsection (b) that is made between counselors,
29 between counselors and the supervisors or staff of an employee assistance
30 program, or between the supervisors or staff of an employee assistance
31 program, is confidential and may not be disclosed.

32 (d) The provisions of this section apply only to peer support
33 counseling sessions conducted by an employee or other person who:

34 (1) Has been designated by a law enforcement agency or emergency
35 services provider, or by an employee assistance program, to act as a
36 counselor; and

1 (2) has received training in counseling and in providing emotional
2 and moral support to law enforcement officers or emergency services
3 personnel who have been involved in emotionally traumatic incidents by
4 reason of their employment.

5 (e) (1) The provisions of this section apply to all oral
6 communications, notes, records and reports arising out of a peer support
7 counseling session.

8 (2) Any notes, records or reports arising out of a peer support
9 counseling session shall not be public records and shall not be subject to
10 the open records act, K.S.A. 45-215 et seq., and amendments thereto. The
11 provisions of this paragraph shall expire on July 1, 2020, unless the
12 legislature acts to reenact such provisions. The provisions of this
13 paragraph shall be reviewed by the legislature prior to July 1, 2020.

14 (f) Any communication made by a participant or counselor in a peer
15 support counseling session subject to this section, and any oral or written
16 information conveyed in a peer support counseling session subject to this
17 section, are not admissible in any judicial proceeding, administrative
18 proceeding, arbitration proceeding or other adjudicatory proceeding.
19 Communications and information made confidential under this section
20 shall not be disclosed by the participants in any judicial proceeding,
21 administrative proceeding, arbitration proceeding or other adjudicatory
22 proceeding. The limitations on disclosure imposed by this subsection
23 include disclosure during any discovery conducted as part of an
24 adjudicatory proceeding.

25 (g) Nothing in this section limits the discovery or introduction into
26 evidence of knowledge acquired by any law enforcement officer or
27 emergency services personnel from observation made during the course of
28 employment, or material or information acquired during the course of
29 employment, that is otherwise subject to discovery or introduction into
30 evidence.

31 (i) This section does not apply to any:

32 (1) Threat of suicide or criminal act made by a participant in a peer
33 support counseling session, or any information conveyed in a peer support
34 counseling session relating to a threat of suicide or criminal act;

35 (2) information relating to abuse of spouses, children or the elderly,
36 or other information that is required to be reported by law;

37 (3) admission of criminal conduct;

38 (4) disclosure of testimony by a participant who received peer
39 support counseling services and expressly consented to such disclosure; or

40 (5) disclosure of testimony by the surviving spouse or executor or
41 administrator of the estate of a deceased participant who received peer
42 support counseling services and such surviving spouse or executor or
43 administrator expressly consented to such disclosure.

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

5 (k) This section shall be part of and supplemental to article 4 of
6 chapter 60 of the Kansas Statutes Annotated, and amendments thereto.

7 Sec. 2. This act shall take effect and be in force from and after its
8 publication in the statute book.