

ENROLLED HOUSE
BILL NO. 1460

By: Kern, McAffrey, Roan,
Tibbs, Brannon and Smithson
of the House

and

Coffee and Corn of the
Senate

An Act relating to evidence; defining terms; providing for privileged communications between specific individuals in peer support counseling sessions; providing for confidentiality in specific communications; precluding admissibility of specific communications; providing exceptions; providing for codification; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2506.2 of Title 12, unless there is created a duplication in numbering, reads as follows:

A. For purposes of this section:

1. "Emergency services provider" means any public employer that employs persons to provide firefighting services;

2. "Emergency services personnel" means any employee of an emergency services provider who is engaged in providing firefighting services;

3. "Employee assistance program" means a program established by a law enforcement agency or emergency services provider to provide counseling or support services to employees of the law enforcement agency or emergency services provider;

4. "Law enforcement agency" means any county sheriff, municipal police department, the Oklahoma Highway Patrol, and any state or local public body that employs public safety personnel;

5. "Public safety personnel" means a sheriff, deputy sheriff, municipal police officer, state police officer, parole and probation officer, corrections employee, certified reserve officer, telecommunicator, or emergency medical dispatcher; and

6. "Peer support counseling sessions" means critical incident stress management sessions for public safety or emergency services personnel who have been involved in emotionally traumatic incidents by reason of their employment.

B. 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.

C. Any communication relating to a peer support counseling session made confidential under subsection B of this section that is made between counselors, between counselors and the supervisors or staff of an employee assistance program, or between the supervisors or staff of an employee assistance program, is confidential and may not be disclosed.

D. The provisions of this section apply only to peer support counseling sessions conducted by an employee or other person who:

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

2. Has received training in counseling and in providing emotional and moral support to public safety personnel or emergency services personnel who have been involved in emotionally traumatic incidents by reason of their employment.

E. The provisions of this section apply to all oral communications, notes, records and reports arising out of a peer support counseling session. Any notes, records or reports arising out of a peer support counseling session are not public records for

the purposes of Sections 24A.1 through 24A.29 of Title 51 of the Oklahoma Statutes.

F. Any communication made by a participant or counselor in a peer support counseling session subject to this section, and any oral or written information conveyed in a peer support counseling session subject to this section, is not admissible in any judicial proceeding, administrative proceeding, arbitration proceeding, or other adjudicatory proceeding. Communications and information made confidential under this section shall not be disclosed by the participants in any judicial proceeding, administrative proceeding, arbitration proceeding, or other adjudicatory proceeding. The limitations on disclosure imposed by this subsection include disclosure during any discovery conducted as part of an adjudicatory proceeding.

G. Nothing in this section limits the discovery or introduction in evidence of knowledge acquired by any public safety personnel or emergency services personnel from observation made during the course of employment, or material or information acquired during the course of employment, that is otherwise subject to discovery or introduction in evidence.

H. This section does not apply to:

1. Any threat of suicide or homicide made by a participant in a peer support counseling session, or any information conveyed in a peer support counseling session relating to a threat of suicide or homicide;

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

3. Any admission of criminal conduct; or

4. Any admission of a plan to commit a crime.

I. This section shall not prohibit any communications between counselors who conduct peer support counseling sessions, or any communications between counselors and the supervisors or staff of an employee assistance program.

SECTION 2. This act shall become effective November 1, 2008.

Passed the House of Representatives the 5th day of May, 2008.

Presiding Officer of the House of
Representatives

Passed the Senate the 22nd day of April, 2008.

Presiding Officer of the Senate