

HOUSE BILL NO. 15

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-THIRD LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES JOSEPHSON, Schrage

Introduced: 1/19/23

Referred: State Affairs, Health and Social Services

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to peer support counseling programs for law enforcement agencies,**
2 **emergency service providers, and the Department of Corrections."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 * **Section 1.** AS 18.95 is amended by adding new sections to read:

5 **Sec. 18.95.020. Peer support counseling.** (a) A law enforcement agency,
6 emergency service provider, and the department may establish a peer support
7 counseling program to provide emotional and moral support and counseling to peace
8 officers and emergency service personnel who have experienced emotionally
9 traumatic incidents in the course of employment.

10 (b) A law enforcement agency, emergency service provider, or the department
11 may designate an employee of the agency, provider, or department to serve as a peer
12 support counselor for the peer support counseling program of the agency, provider, or
13 department if the employee has received training in counseling and providing
14 emotional and moral support to peace officers and emergency service personnel who

1 have experienced emotionally traumatic incidents in the course of employment.

2 **Sec. 18.95.030. Peer support counseling confidentiality.** (a) A written or oral
3 communication made by a participant or counselor during a peer support counseling
4 session or made between counselors, supervisors, or staff members relating to a peer
5 support counseling session is confidential and may not be disclosed by a participant,
6 counselor, supervisor, or staff member to another person. Nothing in this subsection
7 prohibits communications relating to a peer support counseling session between
8 counselors, supervisors, and staff members of a peer support counseling program.

9 (b) Oral or written information generated as a result of a peer support
10 counseling session is confidential and is not subject to public disclosure under
11 AS 40.25.100 - 40.25.295 (Alaska Public Records Act). The oral or written
12 information is not admissible in a criminal or civil proceeding. A person may not be
13 compelled to disclose oral or written information through discovery or testimony in a
14 civil or criminal proceeding. Records and information collected through the peer
15 support counseling program are not subject to discovery or subpoena in connection
16 with a civil or criminal proceeding. This subsection does not apply to information that
17 was acquired

18 (1) through observations made during the regular course of
19 employment of a peace officer or emergency service personnel, or other material or
20 information acquired during the course of employment of a peace officer or
21 emergency service personnel, that is otherwise subject to discovery or introduction
22 into evidence; or

23 (2) by a peer support counselor in the course of the counselor's
24 response to an incident as the initial responding peace officer or emergency service
25 personnel, witness, or party to the incident for which a person sought peer support
26 counseling.

27 (c) This section does not apply to

28 (1) a threat of suicide or homicide made by a participant in a peer
29 support counseling session or any information relating to a threat of suicide or
30 homicide;

31 (2) information that is required by law to be reported;

- (3) information relating to the abuse of a child or a vulnerable adult;
(4) any admission of criminal conduct.

Sec. 18.95.040. Definitions. In AS 18.95.020 - 18.95.040,

- (1) "department" means the Department of Corrections;
- (2) "emergency service personnel" means a firefighter, an emergency medical technician, a first responder in an emergency situation, or an emergency service dispatcher;
- (3) "emergency service provider" means an organization or agency that provides services in response to emergency situations of imminent danger to life or property or assists in coordinating an emergency response to emergency situations of imminent danger to life or property;
- (4) "firefighter" has the meaning given in AS 09.65.295(c);
- (5) "law enforcement agency" means a public agency that performs as one of its principal functions an activity relating to crime prevention, control, or reduction or relating to the enforcement of the criminal law; "law enforcement agency" does not include a court;
- (6) "peace officer" means
- (A) an officer of the state troopers;
 - (B) a member of the police force of a municipality;
 - (C) a village public safety officer;
 - (D) a regional public safety officer;
 - (E) a correctional officer; in this paragraph, "correctional officer" has the meaning given in AS 18.65.290; and
 - (F) an officer whose duty it is to enforce and preserve the public peace;
- (7) "peer support counseling" means counseling that occurs in an established peer support counseling program between two or more peace officers or emergency service personnel of a law enforcement agency, emergency service provider, or the department, one of whom is designated as a peer support counselor under AS 18.95.020(b);
- (8) "peer support counseling program" means a program established by

1 a law enforcement agency, emergency service provider, or the department to provide
2 counseling or support services to peace officers and emergency service personnel
3 employed by the agency, provider, or department.