

HOUSE BILL NO. 353

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-SECOND LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES JOSEPHSON, Tarr

Introduced: 2/22/22

Referred: State Affairs

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;

1 (3) information relating to the abuse of a child or a vulnerable adult;

2 (4) any admission of criminal conduct.

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

4 (1) "department" means the Department of Corrections;

5 (2) "emergency service personnel" means a firefighter, an emergency
6 medical technician, a first responder in an emergency situation, or an emergency
7 service dispatcher; in this paragraph, "firefighter" has the meaning given in
8 AS 09.65.295(c);

9 (3) "emergency service provider" means an organization or agency that
10 provides services in response to emergency situations of imminent danger to life or
11 property or assists in coordinating an emergency response to emergency situations of
12 imminent danger to life or property;

13 (4) "law enforcement agency" means a public agency that performs as
14 one of its principal functions an activity relating to crime prevention, control, or
15 reduction or relating to the enforcement of the criminal law; "law enforcement
16 agency" does not include a court;

17 (5) "peace officer" means

18 (A) an officer of the state troopers;

19 (B) a member of the police force of a municipality;

20 (C) a village public safety officer;

21 (D) a regional public safety officer;

22 (E) a correctional officer; in this paragraph, "correctional
23 officer" has the meaning given in AS 18.65.290; and

24 (F) an officer whose duty it is to enforce and preserve the
25 public peace;

26 (6) "peer support counseling" means counseling that occurs in an
27 established peer support counseling program between two or more peace officers or
28 emergency service personnel of a law enforcement agency, emergency service
29 provider, or the department, one of whom has received training to provide emotional
30 and moral support and counseling to peace officers and emergency personnel who
31 need those services as a result of emotionally traumatic incidents experienced in the

1 course of employment;

2 (7) "peer support counseling program" means a program established by
3 a law enforcement agency, emergency service provider, or the department to provide
4 counseling or support services to peace officers and emergency service personnel
5 employed by the agency, provider, or department.