

SESSION OF 2024

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2557

As Recommended by House Committee on
Judiciary

Brief*

HB 2557 would amend the definition of the term “peer support counseling session” within the Kansas Rules of Evidence.

Under continuing law, members of law enforcement, emergency services, or the Kansas National Guard may utilize a peer support counseling session to discuss a critical incident or traumatic event.

Certain information conveyed in a peer support counseling session by a participant or peer support specialist is considered privileged and may not be disclosed or be considered admissible in judicial, administrative, arbitration, or other adjudicatory proceedings.

Exceptions to the privilege include certain information related to threats of suicide or criminal acts, information relating to the abuse of persons, admission of criminal conduct, or certain information disclosed with consent. [*Note:* The bill would not amend provisions in law concerning non-privileged disclosures made in a counseling session.]

The bill would amend the term “peer support counseling session” to expand the reasons a participant may seek a counseling session to include a professional, personal, or social problem, or a difficult life event where peer counseling assistance and guidance would benefit the participant.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

Additionally, the bill would extend the privilege to communications made in the counseling session regardless of:

- How the peer support specialist is contacted;
- Whether the session is conducted in a group or in private;
- Where the session is requested or conducted; or
- Whether the session was conducted electronically.

Background

The bill was introduced by the House Committee on Judiciary at the request of a representative of the Kansas Association of Chiefs of Police, Kansas Peace Officers Association, and the Kansas Sheriffs Association.

House Committee on Judiciary

In the House Committee hearing on the bill, **proponent** testimony was presented by a representative of the First Responders Support Team Midwest; a representative of the Kansas Association of Chiefs of Police, Kansas Peace Officers Association, and Kansas Sheriffs Association; and a representative of the Kansas Highway Patrol. The proponents indicated peer support counseling sessions have widely benefited first responders since enactment in 2015, and expanding the applicability of these sessions will provide expanded benefits.

Written-only proponent testimony was provided by a representative of the Kansas Bureau of Investigation and the Kansas Troopers Association.

No other testimony was provided.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill, the Adjutant General's Department, Emergency Medical Services Board, Kansas Bureau of Investigation, and the Kansas Highway Patrol stated enactment of the bill would have no fiscal effect.

Peer support counseling session; evidence; confidentiality; emergency responders; law enforcement; Kansas National Guard