

Sec. X. 28 V.S.A. § 126 is added to read:

§ 126. DEPARTMENT OF CORRECTIONS; PEER SUPPORT PROGRAM;

CONFIDENTIALITY

(a) As used in this section:

(1) “Department” has the same meaning as in subdivision 3(4) of this title.

(2) “Participant” means a Department staff member who has been involved in a traumatic incident by reason of employment at the Department and who has agreed to participate in the Department’s peer support program.

(3) “Peer support” means appropriate support and services offered by a peer support specialist to a participant.

(4) “Peer support program” means a program established by the Department of Corrections to provide appropriate peer support services to Department staff member.

(5) “Peer support session” means a peer support program session for a Department staff member who has been involved in a traumatic incident by reason of employment at the Department or related to other personal matters.

(6) “Peer support specialist” means a Department staff member who, by reason of the staff member’s prior experience, training, or interest, has expressed a desire and has been selected to provide appropriate peer support services to a participant.

(7) “Staff member” means a supervising officer as defined in subdivision 3(9) of this title, a correctional officer as defined in subdivision 3(10) of this title, and any other employee of the Department.

(b)(1) Except as provided in subsection (d) of this section, any communication made by a participant or peer support specialist in a peer support session of the peer support

program, including any oral or written information conveyed during a peer support session, shall not be disclosed by any individual participating in the peer support session.

(2) Except as provided by subsection (d) of this section, any communication relating to a peer support session between peer support specialists, between peer support specialists and participants of the peer support program, between participants of the peer support program, or between any other Department staff member, including any oral or written information, shall not be disclosed by any individual participating in the communication.

(3) Written communications described in this subsection, such as notes, records, and reports related to a peer support session, are exempt from public inspection and copying under the Public Records Act and shall be kept confidential. The Public Records Act exemptions created in this section shall not be subject to the provisions of 1 V.S.A. § 317(e) (repeal of Public Records Act exemptions).

(c) Except as provided by subsection (d) of this section, any communication made by a participant or peer support specialist in a peer support session, including any oral or written communication, such as notes, records, and reports related to the peer support session, shall not be admissible in a judicial, administrative, or arbitration proceeding. Limitations on disclosure imposed by this subsection include disclosure during any discovery conducted as part of an adjudicatory proceeding. Limitations on disclosure imposed by this subsection shall not include knowledge acquired by the Department or staff members from observations made during the course of employment or information acquired by the by the Department or staff members during the course of employment that is otherwise subject to discovery or introduction into evidence.

(d)(1) Confidentiality protections described in subsections (b) and (c) of this section shall only apply to a peer support session conducted by an individual who has:

(A) been designated by the Department or the peer support program to act as a peer support specialist; and

(B) received and completed training in peer support and providing emotional and moral support to Department staff members who have been involved in emotionally traumatic incidents by reason of their employment or other personal matters.

(2) Confidentiality protections described in subsections (b) and (c) of this section shall not apply to the following information as it pertains to an individual designated to receive such information in the normal course the individual's professional responsibilities:

(A) any threat of suicide or homicide made by a participant of a peer support session or any information conveyed in a peer support session relating to a threat of suicide or homicide;

(B) any information relating to the abuse of a child or vulnerable adult, or other information that is required to be reported by law;

(C) any admission of criminal conduct; or

(D) any admission of a plan to commit a crime.

(e) Nothing in this section shall prohibit any communications between peer support specialists regarding a peer support session or between peer support specialists and participants of the peer support program.

(f)(1) The Department shall not be liable for any disclosure made in violation of this section by an a peer support specialist or participant who participates in a peer support session.

(2) A peer support specialist who in good faith provides appropriate peer support services to a participant of the peer support program shall be immune from criminal or civil liability for any injury to the participant unless the peer support specialist's conduct constitutes gross negligence, recklessness, or intentional misconduct.

Sec. X. EFFECTIVE DATE

This act shall take effect on July 1, 2023.