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MEMORANDUM

To: House Committee on Veterans and Military
From: Jenna Moyer, Assistant Revisor of Statutes
Date: February 26, 2019
Subject: HB 2365 - Providing for confidential communications of Kansas national guard members in peer support counseling sessions.

HB 2365 adds members of the national guard to the confidentiality provisions of peer support counseling sessions.

Current law in K.S.A. 60-473 provides that conversations of peer support counseling sessions for law enforcement officers and emergency services personnel are confidential, not admissible in any judicial proceeding and are exempt from disclosure during discovery. Peer support counseling sessions allow personnel that have responded to a critical incident or traumatic event during their employment to participate in a confidential counseling session with one of their peers trained in providing counseling and support. HB 2365 adds members of the national guard to the personnel whose counseling sessions are confidential. “National guard member” is defined as a regularly enlisted, officer or civilian member of the Kansas national guard.”

Also added is a provision in subsection (e)(3) that adds the documents arising out of peer support counseling sessions of national guard members to be exempt from the open records act. Pursuant to K.S.A. 45-229, this confidentiality provision will expire in 5 years unless the legislature acts to continue the exception.