STATE OF NEW YORK

6244--A

Cal. No. 597

2025-2026 Regular Sessions

IN SENATE

March 7, 2025

Introduced by Sens. SKOUFIS, ASHBY, BORRELLO, CANZONERI-FITZPATRICK, HELMING, MARTINEZ, MURRAY, RHOADS, ROLISON, C. RYAN, SANDERS -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the executive law, in relation to providing confidentiality for communications arising out of law enforcement peer support counseling

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Short title. This act shall be known and may be cited as the "Lieutenant Joseph Banish mental health act".

§ 2. The executive law is amended by adding a new section 837-z to read as follows:

§ 837-z. Law enforcement peer support program. 1. Definitions. As used in this section the following terms shall have the following meanings:

(a) "Law enforcement agency" means any department, division, agency, board, commission, or public authority of the state or any subdivision thereof that employs police officers.

(b) "Police officer" means a police officer as defined in section 1.20 of the criminal procedure law.

(c) "Peer support communication" includes:

(i) an oral or written communication made in the course of a peer support counseling session;

(ii) a note or report arising out of a peer support counseling session; or

(iii) a record of a peer support counseling session.

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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(d) "Peer support counseling program" means a program provided by a law enforcement agency that provides counseling services from a peer support specialist to a police officer of the law enforcement agency.

(e) "Peer support counseling session" means any counseling formally provided through a peer support counseling program between a peer support specialist and one or more police officers.

(f) "Peer support participant" means a police officer who receives counseling services from a peer support specialist.

(g) "Peer support specialist" means a police officer who:

(i) has received training in peer support counseling, including providing emotional and moral support to police officers who have been involved in or exposed to an emotionally traumatic experience in the course of employment; and

(ii) is designated by a law enforcement agency to provide the services described in subparagraph (i) of this paragraph.

2. Confidentiality. Except as provided in subdivision three of this section, a peer support specialist or peer support participant shall not disclose the contents of a peer support communication to an individual who was not a party to such peer support communication.

3. Exceptions.

(a) A peer support specialist or peer support participant may disclose the contents of a peer support communication that contains or reveals:

(i) a specific threat of suicide, an expression of suicidal ideation, or engagement in self-harm;

(ii) a threat of bodily harm or death; or

(iii) information relating to the abuse or neglect of a child.

(b) A peer support specialist or peer support participant shall disclose the contents of a peer support communication:

(i) that is required by law to be reported;

(ii) that contains an admission of criminal conduct; or

(iii) as ordered by a court of competent jurisdiction.

(c) A peer support participant may at any time give their consent to a peer support specialist or peer support participant to disclose the contents of their own peer support communication.

4. Written notice. Before the initial peer support counseling session of a peer support participant, a peer support specialist shall inform the peer support participant in writing of the confidentiality requirement under subdivision two of this section and the exceptions to that requirement under subdivision three of this section.

5. Rules and regulations. The division shall promulgate rules and regulations necessary to effectuate this section and shall be empowered to identify minimum certifications required of trained members, approved training courses, record keeping requirements, and retraining requirements.

§ 3. This act shall take effect on the ninetieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.