§ 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.

(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 an approved 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) a peer support specialist shall not disclose the contents of a peer support communication to an individual who was not a party to such peer support communication; and

(b) a peer support participant shall not disclose the contents of a peer support communication to anyone employed by the same law enforcement agency who was not originally a party to such peer support

communication.

3. Exceptions. A peer support communication shall not be confidential if:

(a) it contains or reveals a specific threat of suicide, an expression of suicidal ideation, engagement in self-harm, or a threat of bodily harm or death, provided disclosure of such communication shall only be permitted for the purpose of preventing or mitigating such harm and is made to a person or persons reasonably in a position to provide assistance in preventing or mitigating such harm.

(b) it contains an admission of criminal conduct; or

(c) the peer support participant has provided consent for disclosure, which may be provided at any time, and the disclosure is consistent with such consent.

4. Disclosure. Nothing in this section shall be construed to prevent or limit disclosure of the contents of a peer support communication where such disclosure is otherwise required by law, including, but not limited to:

(a) mandatory reporting of suspected child abuse or maltreatment, in accordance with section four hundred thirteen of the social services law; and

(b) mandatory filing under article sixty-three-a of the civil practice law and rules relating to extreme risk protection orders; and

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

5. 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 subdivisions three and four of this section.

6. Rules and regulations. The division shall identify and approve training courses that meet the division's identified minimum standards and may promulgate rules and regulations necessary to effectuate this section.