

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 804

Introduced by Lonowski, 33; Hardin, 48; Lippincott, 34; McKeon, 41.

Read first time January 07, 2026

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to peer support counseling; to provide for
- 2 confidential and privileged peer support counseling as provided; and
- 3 to define terms.
- 4 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** (1) For purposes of this section:

2 (a) Communication includes any oral communication, note, record, or
3 report;

4 (b) Emergency services personnel means any employee or volunteer of
5 an emergency services provider who is engaged in providing or supporting
6 firefighting, dispatching services, and emergency medical services;

7 (c) Emergency services provider means any public employer that
8 employs people to provide firefighting, dispatching services, or
9 emergency medical services;

10 (d) Employee assistance program means a program established by a
11 law enforcement agency, emergency services provider, or the Nebraska
12 National Guard to provide professional counseling or support services to
13 a law enforcement officer, emergency services personnel, or Nebraska
14 National Guard member;

15 (e) Law enforcement agency has the same meaning as in section
16 81-1401;

17 (f) Law enforcement officer has the same meaning as in section
18 81-1401;

19 (g) Peer support counseling session means any session conducted by
20 a peer support specialist that is called or requested in response to a
21 critical incident or traumatic event involving the personnel of a law
22 enforcement agency, emergency services provider, or the Nebraska National
23 Guard;

24 (h) Peer support specialist means a person:

25 (i) Designated by a law enforcement agency, an emergency services
26 provider, the Nebraska National Guard, an employee assistance program, or
27 a peer support team leader to lead, moderate, or assist in a peer support
28 counseling session;

29 (ii) Who is a member of a peer support team; and

30 (iii) Who has received training in counseling and providing
31 emotional and moral support to a law enforcement officer, emergency

1 services personnel, or Nebraska National Guard member who has been
2 involved in an emotionally traumatic incident by reason of his or her
3 employment; and

4 (i) Peer support team means a group of peer support specialists
5 serving a law enforcement agency, emergency services provider, or the
6 Nebraska National Guard.

7 (2) Any communication shall be confidential and shall not be
8 disclosed by any person participating in a peer support counseling
9 session if:

10 (a) Made by a participant or peer support specialist in a peer
11 support counseling session pursuant to this section; or

12 (b) Conveyed in or as the result of the peer support counseling
13 session.

14 (3) Any communication relating to a peer support counseling session
15 made confidential under subsection (2) that is made between peer support
16 specialists, between peer support specialists and the supervisors or
17 staff of an employee assistance program, or between the supervisors or
18 staff of an employee assistance program shall be confidential and may not
19 be disclosed.

20 (4) Any communication arising out of a peer support counseling
21 session is not a public record.

22 (5) Any communication made by a participant or peer support
23 specialist in a peer support counseling session is not admissible in any
24 judicial proceeding, administrative proceeding, arbitration proceeding,
25 or other adjudicatory proceeding. Communications made confidential under
26 this section shall not be disclosed by the participants in any judicial
27 proceeding, administrative proceeding, arbitration proceeding, or other
28 adjudicatory proceeding. The limitations on disclosure imposed by this
29 subsection include disclosure during any discovery conducted as part of
30 an adjudicatory proceeding.

31 (6) Nothing in this section limits the discovery or introduction

1 into evidence of knowledge acquired by any law enforcement officer or
2 emergency services personnel from observation made during the course of
3 employment or material or information acquired during the course of such
4 employment that is otherwise subject to discovery or introduction into
5 evidence.

6 (7) This section does not apply to any:

7 (a) Threat of suicide or criminal act made by a participant in a
8 peer support counseling session or any information conveyed in a peer
9 support counseling session relating to a threat of suicide or criminal
10 act;

11 (b) Information relating to abuse or neglect of spouses, children,
12 or the elderly, or other information that is required to be reported by
13 law;

14 (c) Admission of criminal conduct;

15 (d) Disclosure of testimony by a participant who received peer
16 support counseling services and expressly consented to such disclosure;
17 or

18 (e) Disclosure of testimony by the surviving spouse or executor or
19 administrator of the estate of a deceased participant who received peer
20 support counseling services and such surviving spouse, executor, or
21 administrator expressly consented to such disclosure.

22 (8) This section does not prohibit any communications between peer
23 support specialists who conduct peer support counseling sessions, or any
24 communications between peer support specialists and the supervisors or
25 staff of an employee assistance program.

26 (9) This section does not prohibit communications regarding fitness
27 of an employee for duty between an employee assistance program and an
28 employer.