

SESSION OF 2019

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2365

As Amended by Senate Committee of the Whole

Brief*

HB 2365, as amended, would amend law concerning the peer support counseling session communication privilege within the Code of Civil Procedure. The bill would add references to National Guard members (such members are defined by the bill as a regularly enlisted, officer, or civilian member of the Kansas National Guard) throughout the section, to make notes, records, or reports arising out of peer support counseling sessions involving National Guard members confidential, exempt from the Kansas Open Records Act (KORA), and inadmissible and not subject to disclosure or discovery in judicial and other proceedings. The exemption for records arising out of peer support counseling sessions would not be required to be reviewed by the Legislature and would not expire.

Background

The bill was introduced by the House Committee on Judiciary at the request of Representative Patton, on behalf of Representative Clark. The bill was referred to the House Committee on Veterans and Military.

In the House Committee on Veterans and Military hearing, a representative of the Kansas Adjutant General's Department testified in support of the bill. The representative stated confidentiality is necessary to encourage member participation in the peer support program. No other testimony was provided.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

The House Committee recommended the bill be placed on the Consent Calendar.

In the Senate Committee on Judiciary hearing, a representative of the Kansas Adjutant General's Department testified in support of the bill. No other testimony was provided.

The Senate Committee amended the bill by deleting a provision making records arising out of peer support counseling sessions involving National Guard members exempt from KORA until July 1, 2024, and instead extending the exemption for records relating to all peer support counseling sessions to July 1, 2024.

The Senate Committee of the Whole amended the bill by removing the review requirement and sunset provision for the KORA exemption for records related to peer support counseling sessions and making the exemption permanent.

According to the fiscal note prepared by the Division of the Budget, the Kansas Adjutant General's Department indicates enactment of the bill, as introduced, would have no fiscal effect on agency operations.