

S.B. NO. 3106

JAN 28 2026

A BILL FOR AN ACT

RELATING TO PEER SUPPORT COUNSELING.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. The legislature finds that adult corrections officers and other correctional workers face similar emotionally traumatic and high-stress conditions as law enforcement officers and emergency services personnel. The legislature further finds that peer support counseling services are essential to maintain the mental health and well-being of correctional workers.

Accordingly, the purpose of this Act is to extend the confidentiality protections afforded during peer support counseling sessions to correctional workers.

SECTION 2. Section 78-52, Hawaii Revised Statutes, is amended to read as follows:

"[~~§~~78-52[~~§~~] **Peer support counseling sessions.** (a) Unless the context otherwise requires, for the purposes of this section:

"Correctional worker" means any employee of the department of corrections and rehabilitation who is engaged in the custody, care, treatment, or supervision of inmates or detainees.

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1 "Emergency services personnel" means any employee of an
2 emergency services provider who is engaged in providing
3 firefighting, water safety, and emergency medical services.

4 "Emergency services provider" means any public employer
5 that employs persons to provide firefighting, water safety, and
6 emergency medical services.

7 "Employee assistance program" means a program established
8 by a law enforcement agency [~~or~~], an emergency services
9 provider, or the department of corrections and rehabilitation to
10 provide counseling or support services to employees of the law
11 enforcement agency [~~or~~], emergency services provider, or
12 department of corrections and rehabilitation.

13 "Law enforcement agency" means any county police
14 department, the department of law enforcement, and any state or
15 county public body that employs law enforcement officers.

16 "Law enforcement officer" means a sheriff, deputy sheriff,
17 police officer, parole officer, or probation officer.

18 "Peer support counseling sessions" includes critical
19 incident stress management sessions.

20 (b) Any communication made by a participant or counselor
21 in a peer support counseling session conducted by a law
22 enforcement agency [~~or by~~], an emergency services provider, or

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1 the department of corrections and rehabilitation for law
2 enforcement officers ~~[or]~~, emergency services personnel, or
3 correctional workers, and any oral or written information
4 conveyed in the peer support counseling session, ~~[is]~~ shall be
5 privileged and ~~[may]~~ shall not be disclosed by any person
6 participating in the peer support counseling session.

7 (c) Any communication relating to a peer support
8 counseling session made privileged under subsection (b) ~~[7]~~ that
9 is made between counselors, between counselors and the
10 supervisors or staff of an employee assistance program, or
11 between the supervisors or staff of an employee assistance
12 program~~[7-is]~~ shall be privileged and ~~[may]~~ shall not be
13 disclosed.

14 (d) The provisions of this section shall apply only to
15 peer support counseling sessions conducted by an employee or
16 other person who:

- 17 (1) Has been designated by a law enforcement agency ~~[or]~~,
18 an emergency services provider, or the department of
19 corrections and rehabilitation, or by an employee
20 assistance program, to act as a counselor; and
21 (2) Has received training in counseling and in providing
22 emotional and moral support to law enforcement

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1 officers ~~[or]~~, emergency services personnel, or
2 correctional workers who have been involved in
3 emotionally traumatic incidents by reason of their
4 employment.

5 (e) This section ~~[applies]~~ shall apply to all oral
6 communications, notes, records, and reports arising out of a
7 peer support counseling session. Any notes, records, or reports
8 arising out of a peer support counseling session ~~[are]~~ shall not
9 be considered public records for the purposes of chapter 92F.

10 (f) Any communication made by a participant or counselor
11 in a peer support counseling session subject to this section,
12 and any oral or written information conveyed in a peer support
13 counseling session subject to this section, ~~[is]~~ shall not be
14 admissible in any judicial proceeding, administrative
15 proceeding, arbitration proceeding, or other adjudicatory
16 proceeding. Communications and information made privileged
17 under this section ~~[may]~~ shall not be disclosed by the
18 participants in any judicial proceeding, administrative
19 proceeding, arbitration proceeding, or other adjudicatory
20 proceeding. The limitations on disclosure imposed by this
21 subsection shall include disclosure during any discovery
22 conducted as part of an adjudicatory proceeding.

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1 (g) Nothing in this section [~~limits~~] shall limit the
2 discovery or introduction in evidence of: knowledge acquired by
3 any law enforcement officer [~~or~~], emergency services personnel,
4 or correctional worker from observation made during the course
5 of employment; or material or information acquired during the
6 course of employment that is otherwise subject to discovery or
7 introduction into evidence."

8 (h) This section [~~does~~] shall not apply to:

9 (1) Any threat of suicide or homicide made by a
10 participant in a peer support counseling session or
11 any information conveyed in a peer support counseling
12 session relating to a threat of suicide or homicide;

13 (2) Any information relating to abuse of spouses,
14 children, or the elderly, or other information that is
15 required to be reported by law; or

16 (3) Any admission of criminal conduct.

17 (i) This section [~~does~~] shall not prohibit any
18 communication between counselors who conduct peer support
19 counseling sessions or any communications between counselors and
20 the supervisors or staff of an employee assistance program."

21 SECTION 3. Statutory material to be repealed is bracketed
22 and stricken. New statutory material is underscored.

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1 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY:



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BY REQUEST

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Report Title:

Department of Corrections and Rehabilitation; Correctional Workers; Peer Support Counseling

Description:

Includes correctional workers as protected participants in peer support counseling sessions, giving them the same confidentiality protections provided to law enforcement officers and emergency services personnel.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

JUSTIFICATION SHEET

DEPARTMENT: Corrections and Rehabilitation

TITLE: A BILL FOR AN ACT RELATING TO PEER SUPPORT COUNSELING.

PURPOSE: To include correctional workers as protected participants in peer support counseling sessions, giving them the same confidentiality protections provided to law enforcement officers and emergency services personnel.

MEANS: Amend section 78-52, Hawaii Revised Statutes (HRS).

JUSTIFICATION: Correctional workers work in high-stress, high-risk environments where they are frequently exposed to traumatic incidents, including violence, suicide, death, and threats to their safety. The cumulative psychological toll of these exposures can lead to burnout, depression, post-traumatic stress disorder, substance abuse, and suicide. Like firefighters, emergency medical services personnel, and law enforcement officers, correctional workers are first responders and face unique emotional and operational stressors.

Currently, section 78-52, HRS, provides confidentiality protections for peer support counseling sessions for law enforcement and emergency services personnel. However, correctional workers are excluded, which discourages them from seeking mental health support due to fear of retaliation, stigma, or loss of privacy.

This bill is needed to support the mental health needs of correctional workers, encourage voluntary participation in peer support counseling, align mental health protections across all public safety professions, and reduce the stigma

associated with seeking mental health support in correctional environments.

Providing correctional workers with the same legal protections as workers in similar situations will promote resilience, retention, and the safety of the correctional workforce, inmates, and the public.

Impact on the public: This bill will improve safety and well-being in correctional facilities by promoting emotionally healthier and better supported correctional workers. Stronger mental health protections for correctional workers will reduce burnout, absenteeism, and misconduct, creating safer environments for both the public and the incarcerated population.

Impact on the department and other agencies: This bill will require training peer support personnel within the department and allow the department to establish or expand employee assistance programs or peer support teams. It will also align correctional worker wellness initiatives with those already in place across other public safety agencies.

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| GENERAL FUND: | Minimal to no fiscal impact. Any costs for training or administrative implementation may be absorbed by existing resources or through grant funding focused on first responder wellness. |
| OTHER FUNDS: | None. |
| PPBS PROGRAM DESIGNATION: | None. |
| OTHER AFFECTED AGENCIES: | None. |
| EFFECTIVE DATE: | Upon approval. |