

LEGISLATURE OF NEBRASKA  
ONE HUNDRED NINTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 816**

Introduced by Storer, 43; Hallstrom, 1; Lonowski, 33; Sanders, 45.

Read first time January 07, 2026

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to public safety; to provide a privilege for
- 2 peer support services communications; to define terms; and to
- 3 provide for immunity.
- 4 Be it enacted by the people of the State of Nebraska,

1           **Section 1.** For purposes of sections 1 and 2 of this act:

2           (1) Communication means any verbal, written, or electronic  
3 communication;

4           (2) Critical incident means an actual or perceived event or  
5 situation that involves a crisis, disaster, trauma, or emergency;

6           (3) Emergency care provider has the same meaning as in section  
7 38-1206.04;

8           (4) Fire fighter means:

9           (a) An officer, employee, or member of a fire department or fire-  
10 protection or firefighting agency of the state, a municipality, a rural  
11 or suburban fire protection district, or any other political subdivision,  
12 regardless of whether such person is a volunteer or paid;

13           (b) An officer, employee, or member of a fire service providing fire  
14 protection to federal or state military installations; or

15           (c) The State Fire Marshal or a deputy state fire marshal;

16           (5) Law enforcement agency means:

17           (a) A law enforcement agency as defined in section 81-1401; or

18           (b) A tribal police department;

19           (6) Law enforcement officer means:

20           (a) A law enforcement officer as defined in section 81-1401; or

21           (b) A member of a tribal police department or federal law  
22 enforcement officer duly authorized to assert law enforcement powers by a  
23 tribe in the State of Nebraska;

24           (7) Law enforcement support personnel means an employee of a  
25 governmental entity who, by virtue of the person's job duties, provides  
26 support to law enforcement officers, and includes dispatchers, public  
27 safety telecommunicators, crime scene and crime laboratory technicians,  
28 criminal analysts, and intelligence analysts;

29           (8)(a) Peer support services means any services provided by a peer  
30 support team member that offer emotional or moral support to any public  
31 safety personnel regarding a critical incident; professional, personal,

1 or social problem; or difficult life event.

2 (b) Peer support services includes services described in subdivision  
3 (8)(a) of this section regardless of:

4 (i) How the peer support team member is contacted;

5 (ii) Whether the services are conducted in a group or private  
6 setting;

7 (iii) Where the services are requested or conducted; or

8 (iv) Whether the serviced are conducted in person or using  
9 electronic communication;

10 (9) Peer support team means a group of peer support team members  
11 serving one or more public safety agencies;

12 (10) Peer support team member means an individual who:

13 (a) Has successfully completed at least twenty-four hours of peer  
14 support training; and

15 (b) Is officially designated by a public safety agency's head or  
16 such head's designee to be a member of such agency's peer support team;

17 (11) Peer support trainer means a subject matter expert in teaching  
18 peer support for public safety personnel as evidenced by experience or  
19 cultural competence or by holding appropriate certification or mental  
20 health credentials;

21 (12) Peer support training means training which focuses on the needs  
22 of public safety personnel and that is taught by a peer support trainer  
23 who has been approved by the trainee's public safety agency;

24 (13) Personal representative has the same meaning as in section  
25 30-3502;

26 (14) Proceeding means any civil, criminal, administrative,  
27 arbitration, or disciplinary proceeding;

28 (15) Public safety agency means:

29 (a) A law enforcement agency;

30 (b) A fire protection or emergency medical services agency; or

31 (c) Any other agency or entity, including a nonprofit organization,

1 that employs, represents, or serves public safety personnel; and

2 (16) Public safety personnel means a law enforcement officer, a  
3 correctional officer, a jail officer, a juvenile detention officer, a  
4 firefighter, an emergency care provider, law enforcement support  
5 personnel, or ambulance service provider personnel.

6 **Sec. 2.** (1) Except as otherwise provided in this section, the  
7 following are privileged and confidential:

8 (a) Any communication occurring during a peer support services  
9 meeting between a peer support team member and a recipient of peer  
10 support services;

11 (b) Any communication relating to peer support services that is made  
12 between peer support team members or between peer support team members  
13 and the supervisors or clinical supervisors of a peer support team; and

14 (c) Any records detailing or arising out of interactions described  
15 in subdivision (1)(a) or (b) of this section.

16 (2) Except as otherwise provided in this section, communications and  
17 records that are privileged and confidential under subsection (1) of this  
18 section:

19 (a) Are not public records;

20 (b) Are not subject to discovery; and

21 (c) Shall not be admissible in evidence in any proceeding.

22 (3) A peer support team member may disclose communications or  
23 records described in subsection (1) of this section:

24 (a) With the written consent of the recipient of the peer support  
25 services at issue;

26 (b) If the recipient of the peer support services at issue is  
27 deceased, with the written consent of the recipient's surviving spouse or  
28 personal representative;

29 (c) If there are articulable facts or circumstances that would lead  
30 a reasonable, prudent person to fear for the safety of the peer support  
31 services recipient, another individual, or society, and the peer support

1 team member communicates the information only to the potential victims,  
2 appropriate family members, law enforcement, and other appropriate  
3 authorities; or

4 (d) When the peer support team member is a defendant or respondent  
5 in a proceeding arising from a complaint, accusation, or allegation filed  
6 by the recipient of peer support services, in which case such  
7 communications or records may be divulged but only to the extent  
8 necessitated by such proceeding.

9 (4) The privilege and confidentiality provided for in this section  
10 shall not apply to communications or records that a peer support member  
11 is required to disclose because such communication or record:

12 (a) Indicates child abuse or neglect that must be reported under  
13 section 28-711;

14 (b) Indicates abuse, neglect, or exploitation of a vulnerable adult  
15 that must be reported under section 28-372; or

16 (c) Causes the peer support team member to believe that the  
17 recipient of peer support services has committed a criminal act.

18 (5) A peer support team member shall not be liable in any proceeding  
19 for making a disclosure under subdivision (3)(c) or subsection (4) of  
20 this section.

21 (6) A recipient of peer support services shall not be examined in  
22 any proceeding regarding communications or records described in  
23 subsection (1) of this section without his or her consent.

24 (7) This section does not prohibit any communications between peer  
25 support team members or any communications between peer support team  
26 members and the supervisors or staff of a peer support program.

27 (8) This section does not limit the disclosure, discovery, or  
28 admissibility of information, testimony, or evidence that is:

29 (a) Obtained by a peer support team member from a source other than  
30 a peer support services communication; or

31 (b) Acquired by any law enforcement personnel or emergency services

- 1 personnel during the course of employment and that is otherwise subject
- 2 to discovery or introduction into evidence.