

H.F. 104

As amended by H0104DE3

Subject Establishing a privilege for restorative practices participants

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Overview

This bill creates a new privilege for communications that take place within restorative justice programs and establishes limited exceptions to that privilege. Section 595.02 establishes privileges for certain communications. The privileges protect communications that occur within relationships between parties such as attorneys and clients or doctors and patients. The privileges exist to encourage people to share honest information with those other parties without the fear that the information could be against them. Privileges have narrow exceptions that allow information to be shared under specific circumstances.

Summary

Section	Description
1	Restorative practices data. Creates a cross-reference in chapter 13 for data on restorative practices program participants.
2	Restorative practices. Establishes a privilege to prohibit disclosure of statements, written materials, and other information shared by participants during a restorative practice. Specifies that the privilege does not exempt mandatory reports from complying with the provisions requiring reporting of maltreatment of children or vulnerable adults. Also establishes exceptions allowing disclosure of information necessary to prevent reasonably certain death, great bodily harm, or criminal activity and allowing disclosure when the information relates to professional misconduct by a participant. Allows disclosure of information to verify to a court that a person ordered to participate in a program is participating. Classifies government data on restorative practice participants as private data on individuals.



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