



## **LEGISLATIVE BULLETIN**

### **Lieutenant Joseph Banish Mental Health Act Chapter 641 of 2025**

**Effective Date: March 18, 2026**

**Synopsis:** Chapter 641 amends the Executive Law by adding a new section (§ 837-z) creating a formal legal framework for law enforcement peer support programs. The new law, named in honor of Lieutenant Joseph Banish, a New York State Trooper who died by suicide, reflects a legislative determination that peer support is a critical tool in addressing police officer trauma, stress, and suicide risk, and that confidentiality is essential to encourage participation.

Under the new law, communications made within an officially designated peer support counseling program are afforded statutory confidentiality protections similar to those applicable to other mental health services. Confidentiality will apply to communications made within an established peer support counseling program<sup>i</sup> and only when a peer support specialist is a trained police officer designated by the agency. Protected communications will include oral discussions, written notes, reports, and records arising from peer counseling sessions.

The law also limits confidentiality. Disclosure is permitted or required when communications involve threats of suicide or self-harm, threats of bodily harm or death, child abuse or neglect, admissions of criminal conduct, or disclosures required by law or court order. Officers receiving peer support may also consent to disclosure of their own communications. Such confidentiality and disclosure rules will be provided in writing by the designated peer support officer at the initial peer support counseling session.

Chapter 641 authorizes the Division of Criminal Justice Services (DCJS) to promulgate rules and regulations for implementation such as setting minimum training and certification standards for designated peer support officers, approved training courses, recordkeeping requirements, and retraining and recertification requirements. Members should anticipate such guidance prior to the new law's effective date.

**What You Need to Know:** Police executives should recognize that peer support communications covered by this new law are legally protected and cannot be treated as informal conversations subject to routine supervisory, disciplinary, or investigative access. Improper disclosure, either intentional or inadvertent, could expose your agency/department and individual supervisors to legal risk and undermine officer trust. At the same time, executives retain responsibility for

ensuring that the statutory exceptions to confidentiality discussed above are properly understood by designated peer support officers and are acted upon, particularly where safety risks or criminal admissions arise.

Public safety agencies should expect to take affirmative steps to operationalize this law. In anticipation of DCJS rulemaking, agencies/departments should consider revising any pre-existing peer support programs, review how peer support officers are designated and trained, and align confidentiality policies with the requirements under the new law. Policies governing peer support should also be aligned with an agency's internal affairs, legal, and employee assistance structure to avoid conflicts.

***\*\* Disclaimer: This advisory is provided for informational and awareness purposes only and is intended to summarize recent statutory changes. It does not constitute legal advice and is not intended to supersede or replace departmental policy, procedures, general orders, or training. Members must be guided by their agency's policies, supervisory direction, and applicable collective bargaining agreements, and should consult their department's legal counsel or the appropriate prosecutor's office regarding questions of law, interpretation, or application.***

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<sup>i</sup> A "peer support counseling program" is defined as a program provided by a law enforcement agency that provides counseling services from a peer support specialist (a designated police officer trained in peer counseling) to another police officer.