

6.201

(L) Privileged communications.

(1) "A victim advocate may not, without the signed, written, informed, and reasonably time-limited release of information, be examined as to any communication made between the victim and the victim advocate.

(a) For purposes of this section, " victim advocate" means an employee, intern, supervised volunteer, supervisor, manager, director or program administrator who administers a community-based tribal or non-tribal domestic violence and / or sexual assault victim services program, victim assistance unit, program, or association, that provides information, emotional, medical or legal advocacy, counseling, crisis intervention, emergency shelter, or support to victims, who is designated by the victim to accompany the victim to a clinic, hospital or other health care facility and to proceedings concerning the alleged crime, including police and prosecution interviews and court proceedings and who is not employed by, or under the direct supervision of a law enforcement agency, a prosecutor's office, a United States Attorney's office, a city, a county, or a state agency or the child welfare section of the department of human and health services or tribal social services agency.

(b) A victim advocate may disclose a confidential communication without the consent of the victim if failure to disclose is likely to result in a clear, imminent risk of serious physical injury or death of the victim or another person. Any victim advocate participating in good faith in the disclosing of records and communications under this section shall have immunity from any liability, civil, criminal, or otherwise, that might result from the action. In any proceeding, civil or criminal, arising out of a disclosure under this section, the good faith of the victim advocate who disclosed the confidential communication shall be presumed.

(2) An individual who acts as a sponsor providing guidance, emotional support, and counseling in an individualized manner to a person participating in an alcohol or drug addiction treatment program may not testify in any civil action or proceeding about any communication made by the person participating in the addiction treatment program to the individual who acts as a sponsor except with the written authorization of that person or, in the case of death or disability, the person's personal representative.