

Privilege for Communications to Veteran Mentors

This Act creates an evidentiary privilege against disclosing confidential communications between veterans or members of the military and veteran mentors. The privilege may be claimed by veterans or members of the military who make the communications, their representatives under certain circumstances, or by veteran mentors.

The Act defines veteran mentor as an individual who is a veteran, is authorized by a circuit court judge to provide assistance and advice in a veterans mentoring program, has successfully completed judicially approved training, and has completed a background information form approved by a circuit court judge. Veterans mentoring programs are programs approved by a circuit court judge to provide assistance and advice about court-related matters to veterans and current members of the Armed Forces.

Submitted as:

Wisconsin

[2009 Wisconsin Act 210](#)

Status: Enacted into law in 2010.

Suggested State Legislation

(Title, enacting clause, etc.)

1 Section 1. [*Short Act.*] This Act shall be cited as “An Act to Address Communication
2 Between Veterans and Veteran Mentors.”

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4 Section 2. [*Communications to Veteran Mentors.*]

5 (a) A communication is “confidential” if not intended to be disclosed to 3rd parties other
6 than to those people present to further the interests of the veteran or member or to people
7 reasonably necessary for the transmission of the communication.

8 (b) A “veteran mentor” is an individual who meets all of the following criteria:

9 1. Served on active duty in the U.S. armed forces or in forces incorporated in the
10 U.S. armed forces, served in a reserve unit of the U.S. armed forces, or served in the National
11 Guard.

12 2. Has successfully completed a judicially approved veterans mentoring training
13 program.

14 3. Has completed a background information form approved by a circuit court
15 judge from a county that is participating in a veterans mentoring program.

16 4. Is on the list of people authorized by a circuit court judge to provide assistance
17 and advice in a veterans mentoring program.

18 (c) “Veteran or member” means an individual who is serving or has served on active duty
19 in the U.S. armed forces or in forces incorporated in the U.S. armed forces, in a reserve unit of
20 the U.S. armed forces, or in the National Guard.

21 (d) “Veterans mentoring program” is a program approved by a circuit court judge to
22 provide assistance and advice to a veteran or member.

23 (e) A veteran or member has a privilege to refuse to disclose and to prevent another from
24 disclosing a confidential communication made by the veteran or member to a veteran mentor
25 while the veteran mentor is acting within the scope of their duties under the veterans mentoring
26 program.

27 (f) The privilege may be claimed by the veteran or member, by the veteran's or member's
28 guardian or conservator, or by the veteran's or member's personal representative if the veteran or
29 member is deceased. The veteran mentor may claim the privilege on behalf of the veteran or
30 member. The veteran mentor's authority to claim the privilege on behalf of the person is
31 presumed in the absence of evidence to the contrary.

32 (g) There is no privilege under this section as to the following:

33 (1) A communication that indicates that the veteran or member plans or threatens
34 to commit a crime or to seriously harm himself or herself.

35 (2) A communication that the veteran or member has agreed in writing to allow to
36 be disclosed as a condition of their participation in the veterans mentoring program.

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38 Section 3. [*Severability.*] [Insert severability clause.]

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40 Section 4. [*Repealer.*] [Insert repealer clause.]

41

42 Section 5. [*Effective Date.*] [Insert effective date.]