



HB0103

Journalists-privileged communications.

Sponsored By: Representative(s) Zwonitzer, Barlow, Brown, MacGuire, Provenza, Sherwood, Stith and Yin and Senator(s) Case, Nethercott and Pappas

AN ACT relating to civil and criminal procedure; providing a privilege for journalists who refuse to disclose news information as specified; specifying applicability; and providing for an effective date.

2/3/2021 Bill Number Assigned
2/4/2021 H Received for Introduction
2/5/2021 H Introduced and Referred to H01 - Judiciary
3/2/2021 H01 - Judiciary:Recommend Amend and Do Pass 6-2-1-0-0

ROLL CALL

Ayes: Representative(s) Crago, Oakley, Olsen, Provenza, Yin, Zwonitzer

Nays: Representative(s) Laursen, Rodriguez-Williams

Excused: Representative Washut

Ayes 6 **Nays** 2 **Excused** 1 **Absent** 0 **Conflicts** 0

3/2/2021 H Placed on General File

HB0103HS001/ADOPTED

Page 1-line 2 After "disclose" insert "news".
Page 1-line 8 Delete "1-12-703" and insert "1-12-707".
Page 1-line 14 After "**disclose**" inset "**news**".
Page 2-line 4 After "any" insert "news".
Page 3-line 2 After "law," insert "and except as provided in this act,".
Page 3-line 11 After "Any" insert "news".
Page 4-after line 13 insert:

"1-12-704 Burden of proof.

Except as provided in W.S. 1-12-705(a)(ii) with respect to defamation actions, in any action to compel disclosure of news information, the journalist asserting a privilege under W.S. 1-12-701 shall have the burden of proving the existence of the privilege.

1. Exceptions allowing compelled disclosure.

(a) There is no privilege under W.S. 1-12-701 if either of the following conditions is met:

(i) Failure to disclose the news information will create an imminent risk of death or serious bodily harm;

(ii) In a defamation action where a person seeking disclosure of news information which would otherwise be privileged under W.S. 1-12-701 can

demonstrate that the news information will lead to evidence that is relevant to an element of the defamation claim.

1-12-706 Waiver.

A journalist waives the privilege under W.S. 1-12-701 if the journalist voluntarily discloses or consents to disclosure of the news information.

1-12-707 Definitions.

(a) As used in this act:

(i) "Journalist" means any person who is professionally engaged in gathering, preparing, writing, editing, filming, taping, photographing or broadcasting news on a radio or television station licensed by the federal communications commission or for publication in or with a newspaper, magazine, news media, press association, wire service, website or other professional medium or agency that has as one of its principal functions the processing and researching of news intended for publication. "Journalist" includes any person who is an employee of or who is otherwise affiliated with a medium or agency that has as one of its principal functions the processing and researching of news intended for publication and includes any student enrolled at the University of Wyoming or a Wyoming community college who, regardless of pay, otherwise meets the requirements of this paragraph.

(i) "News information" means:

(A) Any written, oral, pictorial, photographic or electronically recorded information or communication concerning local, national or worldwide events or other matters of public concern or public interest or affecting the public welfare; and

(B) The identity of the source of the information.

(b) "This act" means W.S. 1-12-701 through 1-12-707."

Page 5-line 10 Delete "1-12-703." and insert "1-12-707.". OLSEN, CHAIRMAN

3/4/2021 H COW:Passed
3/5/2021 H 2nd Reading:Passed
3/8/2021 H 3rd Reading:Passed 36-24-0-0-0

ROLL CALL

Ayes: Representative(s) Andrew, Banks, Barlow, Brown, Burt, Clifford, Connolly, Crago, Duncan, Eklund, Eyre, Flitner, Hallinan, Harshman, Henderson, Jennings, Kinner, Larsen, L, Macquire, Newsome, Oakley, Obermueller, O'hearn, Olsen, Paxton, Provenza, Roscoe, Schwartz, Sherwood, Simpson, Sommers, Stith, Sweeney, Wilson, Yin, Zwonitzer

Nays: Representative(s) Baker, Bear, Blackburn, Burkhart, Clausen, Fortner, Gray, Greear, Haroldson, Heiner, Hunt, Knapp, Laursen, D, Martinez, Neiman, Nicholas, Ottman, Styvar, Walters, Washut, Western, Wharff, Williams, Winter

Ayes 36 **Nays** 24 **Excused** 0 **Absent** 0 **Conflicts** 0

3/9/2021 S Received for Introduction
3/17/2021 S Introduced and Referred to S01 - Judiciary
3/19/2021 S01 - Judiciary:Do Pass Failed 2-3-0-0-0

ROLL CALL

Ayes: Senator(s) Kost, Nethercott

Nays: Senator(s) Cooper, French, Kolb

Ayes 2 **Nays** 3 **Excused** 0 **Absent** 0 **Conflicts** 0

4/1/2021 S No report prior to CoW Cutoff

4/7/2021 S:Died in Committee Returned Bill Pursuant to SR 5-4