

HOUSE BILL NO. HB0103

Journalists-privileged communications.

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

A BILL

for

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

5

6 *Be It Enacted by the Legislature of the State of Wyoming:*

7

8 **Section 1.** W.S. 1-12-701 through 1-12-703 are created
9 to read:

10

11

ARTICLE 7

12

PRIVILEGED COMMUNICATIONS

13

14 **1-12-701. Journalist privilege to refuse to disclose**
15 **information.**

1

2 (a) A current or former journalist shall have a
3 privilege to refuse to disclose and to prevent the
4 disclosure of any information obtained or received in
5 confidence or the identity of the source of the information
6 if the journalist:

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8 (i) Obtains or receives the information, with or
9 without solicitation, in the course of gathering or
10 obtaining news for publication in or with a newspaper,
11 magazine, news media, press association, wire service,
12 website or other professional medium or agency that has as
13 one of its principal functions the processing and
14 researching of news intended for publication or for
15 broadcast by a radio station or television network; and

16

17 (ii) When the information was obtained or
18 received, was employed by or was otherwise in a news
19 gathering capacity with a newspaper, magazine, news media,
20 press association, wire service, website, radio station,
21 television network or other professional medium or agency.

22

23 **1-12-702. Privileged information; prohibitions.**

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2 (a) Notwithstanding any other provision of law, a
3 court in connection with any civil or criminal proceeding,
4 the legislature, any agency or any other public body having
5 the power of contempt shall not hold in contempt any
6 journalist for asserting the privilege under W.S. 1-12-701.
7 A grand jury shall not request any court to hold any
8 journalist in contempt for asserting the privilege under
9 W.S. 1-12-701.

10

11 (b) Any information obtained in violation of the
12 privilege asserted under W.S. 1-12-701 is inadmissible in
13 any action, proceeding or hearing before the legislature,
14 any court or any other agency or public body in the state.

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16 (c) No fine, term of imprisonment or civil penalty
17 shall be imposed upon any journalist for asserting the
18 privilege in accordance with W.S. 1-12-701.

19

20 **1-12-703. Privileged communications; applicability.**

21

22 (a) The privilege asserted under W.S. 1-12-701
23 applies notwithstanding whether:

1

2 (i) A court, the legislature, any agency or any
3 other public body determines that the information is highly
4 relevant to a particular proceeding; or

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6 (ii) The information is published or otherwise
7 publicly released.

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9 (b) The privilege asserted under W.S. 1-12-701 shall
10 apply to any supervisor or employer having authority over
11 the journalist, including any faculty advisor, educational
12 institution, newspaper, magazine, radio station or
13 television station.

14

15 **Section 2.** W.S. 7-11-403(a)(iii), (iv) and by
16 creating a new paragraph (v) is amended to read:

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18 **7-11-403. Applicability of rules and civil procedure**
19 **provisions.**

20

21 (a) To the extent practicable and when not otherwise
22 specifically provided, the provisions of the Wyoming Rules
23 of Civil Procedure, the Wyoming Rules of Evidence and the

1 Wyoming Code of Civil Procedure shall govern in criminal
2 cases, relative to:

3

4 (iii) Proceedings for contempt;~~and~~

5

6 (iv) Proceedings to enforce the remedies and
7 protect the rights of parties; ~~and~~

8

9 (v) Privileged information as provided in W.S.
10 1-12-701 through 1-12-703.

11

12 **Section 3.** This act is effective July 1, 2021.

13

14 (END)