

HOUSE BILL NO. HB0091

News source shield law.

Sponsored by: Representative(s) Zwonitzer, Dn, Brown, Henderson, Provenza, Singh, Stith and Yin and Senator(s) Barlow and Nethercott

A BILL

for

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

6

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

8

9 **Section 1.** W.S. 1-12-701 through 1-12-707 are created
10 to read:

11

12

ARTICLE 7

13

PRIVILEGED COMMUNICATIONS

14

15 **1-12-701. Definition.**

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2 (a) As used in this article, "news information"
3 means:

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

10

11 (ii) The identity of the source of the
12 information.

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14 **1-12-702. Journalist privilege to refuse to disclose**
15 **news information.**

16

17 (a) A current or former journalist shall have a
18 privilege to refuse to disclose and to prevent the
19 disclosure of any news information obtained or received in
20 confidence if the journalist:

21

22 (i) Obtains or receives the news information,
23 with or without solicitation, in the course of gathering or

1 obtaining news for publication in or with a newspaper,
2 magazine, news media, press association, wire service,
3 website or other professional medium or agency that has as
4 one (1) of its principal functions the processing and
5 researching of news intended for publication or for
6 broadcast by a radio station or television network; and

7
8 (ii) When the news information was obtained or
9 received, was employed by or was otherwise in a news
10 gathering capacity with a newspaper, magazine, news media,
11 press association, wire service, website, radio station,
12 television network or other professional medium or agency
13 that has as one (1) of its principal functions the
14 processing and researching of news intended for publication
15 or for broadcast by a radio station or television network.

16

17 **1-12-703. Privileged information; prohibitions.**

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19 (a) Notwithstanding any other provision of law, and
20 except as provided in this act, a court in connection with
21 any civil or criminal proceeding, the legislature, any
22 agency or any other public body having the power of
23 contempt shall not hold in contempt any journalist for

1 asserting the privilege under W.S. 1-12-702. A grand jury
2 shall not request any court to hold any journalist in
3 contempt for asserting the privilege under W.S. 1-12-702.

4

5 (b) Any news information obtained in violation of the
6 privilege asserted under W.S. 1-12-702 is inadmissible in
7 any action, proceeding or hearing before the legislature,
8 any court or any other agency or public body in the state.

9

10 (c) No fine, term of imprisonment or civil penalty
11 shall be imposed upon any journalist for asserting the
12 privilege under W.S. 1-12-702.

13

14 **1-12-704. Privileged communications; applicability.**

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16 (a) The privilege asserted under W.S. 1-12-702
17 applies notwithstanding whether:

18

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

22

1 (ii) The information is published or otherwise
2 publicly available.

3

4 (b) The privilege asserted under W.S. 1-12-702 shall
5 be available to any supervisor or employer having authority
6 over the journalist, including any faculty advisor,
7 educational institution, newspaper, magazine, radio station
8 or television station.

9

10 **1-12-705. Burden of proof.**

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12 Except as provided in W.S. 1-12-706(a)(ii) with respect to
13 defamation actions, in any action to compel disclosure of
14 news information, a journalist asserting a privilege under
15 W.S. 1-12-702 shall have the burden of proving the
16 existence of the privilege.

17

18 **1-12-706. Exceptions allowing compelled disclosure.**

19

20 (a) There is no privilege under W.S. 1-12-702 if
21 either of the following conditions is met:

22

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

4

5 (ii) In a defamation action where a person
6 seeking disclosure of news information that would otherwise
7 be privileged under W.S 1-12-702 can demonstrate that the
8 news information will lead to evidence necessary to an
9 element of the defamation claim.

10

11 **1-12-707. Waiver.**

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13 A journalist waives the privilege under W.S. 1-12-702 if
14 the journalist voluntarily discloses or consents to
15 disclosure of the news information but only to the extent
16 of the disclosure.

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

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21 **7-11-403. Applicability of rules and civil procedure**
22 **provisions.**

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