

1 S.96

2 Introduced by Senators Sears and White

3 Referred to Committee on

4 Date:

5 Subject: Court procedure; news media privilege

6 Statement of purpose of bill as introduced: This bill proposes to prohibit any  
7 governmental body from compelling the news media to divulge a source, and  
8 to protect the media under certain circumstances from disclosing news and  
9 information obtained in the course of official news gathering.

10 An act relating to a news media privilege

11 It is hereby enacted by the General Assembly of the State of Vermont:

12 Sec. 1. 12 V.S.A. chapter 219 is added to read:

13 CHAPTER 219. NEWS MEDIA PRIVILEGE

14 § 7201. DEFINITION

15 As used in this chapter, “news media” means newspapers, magazines,  
16 journals, press associations, news agencies, wire services, radio, television, and  
17 any printed, photographic, mechanical, or electronic means of disseminating  
18 news and information to the public.

1     § 7202. COMPELLED DISCLOSURE PROHIBITED

2         Except as provided in section 7203 of this title, no judicial, legislative,  
3     administrative, or other body with the power to issue a subpoena shall compel  
4     a person who is or has been employed by the news media in a news gathering  
5     or news disseminating capacity to disclose:

6             (1) the source of any news or information provided by the person while  
7     employed by the news media and acting in an official news gathering capacity,  
8     whether or not the source has been promised confidentiality; or

9             (2) any news or information procured by the person while employed by  
10    the news media in the course of pursuing professional activities that is not  
11    itself communicated in the news media, including any notes, outtakes,  
12    photographs, photographic negatives, video or audio recordings, film, or other  
13    data.

14    § 7203. EXCEPTIONS

15            (a) A court may compel disclosure of news or information otherwise  
16    protected from disclosure under subdivision 7202(2) of this title if it finds that  
17    the party seeking the news or information establishes by clear and convincing  
18    evidence that:

19            (1) the news or information is relevant to a significant legal issue before  
20    a judicial, legislative, administrative, or other body that has the power to  
21    subpoena;

1           (2) the news or information could not, with due diligence, be obtained  
2 by alternative means; and

3           (3) there is an overriding public interest in the disclosure.

4           (b) A court shall not compel disclosure of the source of any information  
5 protected under section 7202 of this title.

6           § 7204. NO IMPLICATION OF WAIVER

7           The publication by the news media or the dissemination by a person  
8 employed by the news media of a source of news or information, or a portion  
9 of the news or information, procured while pursuing professional activities  
10 shall not constitute a waiver of the protection from compelled disclosure as  
11 provided in section 7202 of this title.

12           Sec. 2. EFFECTIVE DATE

13           This act shall take effect on passage.