



General Assembly

January Session, 2005

Committee Bill No. 5385

LCO No. 3747

03747HB05385JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

AN ACT ESTABLISHING A NEWS REPORTER SHIELD LAW.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2005*) (a) As used in this
2 section:

3 (1) "Newspaper" means a publication that is printed and distributed
4 ordinarily not less frequently than once a week, and has done so for at
5 least one year, and that contains news, editorials or other articles of
6 opinion, features, advertising or other matters regarded as of current
7 interest, has a paid circulation and has been entered in the United
8 States Post Office as second-class matter;

9 (2) "Magazine" means a publication containing news that is
10 published and distributed periodically, and has done so for at least one
11 year, and that has a paid circulation and has been entered in the
12 United States Post Office as second-class matter;

13 (3) "News agency" means a commercial organization that collects
14 and supplies news to subscribing newspapers, magazines, periodicals
15 and news broadcasters;

16 (4) "Press association" means an association of newspapers or
17 magazines, or both, formed to gather and distribute news to its
18 members;

19 (5) "Wire service" means a news agency that sends out syndicated
20 news copy by wire to subscribing newspapers, magazines, periodicals
21 or news broadcasters;

22 (6) "Professional journalist" means a person who (A) for gain or
23 livelihood, is engaged in the gathering, preparing, collecting, writing,
24 editing, filming, taping or photographing of news intended for a
25 newspaper, magazine, news agency, press association, wire service or
26 other professional medium of communication that has as one of its
27 regular functions the processing and researching of news intended for
28 dissemination to the public, and (B) is presently or was previously
29 employed by or otherwise professionally associated with any such
30 newspaper, magazine, news agency, press association, wire service or
31 other professional medium of communication;

32 (7) "Newscaster" means a person who (A) for gain or livelihood, is
33 engaged in analyzing, commenting on or broadcasting news by radio
34 or television transmission, and (B) is presently or was previously
35 employed by or otherwise professionally associated with any radio or
36 television transmission station or network or other professional
37 medium of communication that has as one of its regular functions the
38 processing and researching of news intended for dissemination to the
39 public; and

40 (8) "News" means written, oral, pictorial, photographic or
41 electronically recorded information or communication concerning
42 local, national or worldwide events or other matters of public concern
43 or public interest or affecting the public welfare.

44 (b) Notwithstanding any provision of law, no professional journalist
45 or newscaster may be held in contempt by any court in connection
46 with any civil or criminal proceeding, or by the General Assembly or

47 either house thereof, or by any other governmental entity or official
48 having the power to hold a person in contempt pursuant to any
49 provision of the general statutes, and no investigatory grand jury or
50 other governmental entity or official may seek to have a professional
51 journalist or newscaster held in contempt, for refusing or failing to
52 disclose news obtained or received in confidence, or the identity of a
53 source of such news, coming into such professional journalist's or
54 newscaster's possession in the course of gathering or obtaining news
55 for publication in a newspaper or magazine, for broadcast by a radio
56 or television transmission station or network, or for public
57 dissemination by any other professional medium of communication
58 that has as one of its regular functions the processing and researching
59 of news intended for dissemination to the public, by which such
60 professional journalist or newscaster is or was employed or otherwise
61 professionally associated in a news-gathering capacity. The provisions
62 of this subsection shall apply notwithstanding that the news, the
63 identity of a source of such news or related material obtained or
64 received by the professional journalist or newscaster (1) is or is not
65 highly relevant to a particular governmental inquiry or investigation,
66 and (2) was not solicited by the professional journalist or newscaster
67 prior to its disclosure to such professional journalist or newscaster.

68 (c) Notwithstanding any provision of law, no professional journalist
69 or newscaster may be held in contempt by any court in connection
70 with any civil or criminal proceeding, or by the General Assembly or
71 either house thereof, or by any other governmental entity or official
72 having the power to hold a person in contempt pursuant to any
73 provision of the general statutes, and no investigatory grand jury or
74 other governmental entity or official may seek to have a professional
75 journalist or newscaster held in contempt, for refusing or failing to
76 disclose any unpublished news not obtained or received in confidence,
77 or the identity of a source of any such news, coming into such
78 professional journalist's or newscaster's possession in the course of
79 gathering or obtaining news as provided in subsection (b) of this
80 section, unless a party seeking such news or identity has made a

81 showing that the information sought: (1) Is highly material and
82 relevant; (2) is critical or necessary to the maintenance of the party's
83 claim or defense or proof of an issue material thereto; and (3) is not
84 obtainable from any alternative source. A court shall order disclosure
85 only of such portion or portions of the information sought as to which
86 any such showing has been made and shall support such order with
87 specific findings of fact made on the record after a hearing.

88 (d) Any information obtained in violation of the provisions of this
89 section shall be inadmissible in any civil or criminal proceeding or in
90 any administrative hearing before an agency.

91 (e) No fine or term of imprisonment may be imposed for any refusal
92 or failure to disclose information that is privileged under this section.

93 (f) The privilege established under this section shall extend to the
94 employer of, or other person or organization having supervisory
95 authority over, a professional journalist or newscaster who is entitled
96 to claim such privilege under this section.

97 (g) Notwithstanding the provisions of this section, a person entitled
98 to claim the privilege established under this section waives such
99 privilege if such person voluntarily discloses or consents to the
100 disclosure of the specific information that is privileged under this
101 section to any other person who is not entitled to claim such privilege.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2005	New section

Statement of Purpose:

To create a news reporter shield law in Connecticut to prevent reporters from being compelled to reveal confidential sources.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]

Co-Sponsors: REP. SPALLONE, 36th Dist.

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