

HOUSE BILL NO. HB0146

Journalists-privileged communications.

Sponsored by: Representative(s) Pelkey, Barlow, Stith, Yin and Zwonitzer and Senator(s) Gierau

A BILL

for

1 AN ACT relating to civil and criminal procedure; providing
2 a privilege in civil matters for journalists to refuse to
3 disclose certain information as specified; specifying
4 applicability in criminal cases; defining terms; and
5 providing for an effective date.

6

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

8

9 **Section 1.** W.S. 1-12-701 through 1-12-704 are created
10 to read:

11

ARTICLE 7

12

PRIVILEGED COMMUNICATIONS

13

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15 **1-12-701. Definitions.**

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2 (a) As used in this article:

3

4 (i) "Journalist" means any person who, for pay,
5 is engaged in gathering, preparing, collecting, writing,
6 editing, filming, taping, photographing or broadcasting
7 news on a radio or television station licensed by the
8 Federal Communications Commission or for publication in or
9 with a newspaper, magazine, news media, press association,
10 wire service, website or other professional medium or
11 agency that has as one of its principal functions the
12 processing and researching of news intended for
13 publication. "Journalist" shall include any person who is
14 an employee of or who is otherwise affiliated for pay with
15 a medium or agency that has as one of its principal
16 functions the processing and researching of news intended
17 for publication and shall include any student enrolled at
18 the University of Wyoming or a Wyoming community college
19 who, regardless of pay, otherwise meets the requirements of
20 this paragraph;

21

22 (ii) "News" means any written, oral, pictorial,
23 photographic or electronically recorded information or

1 communication concerning local, national or worldwide
2 events or other matters of public concern or public
3 interest or affecting the public welfare;

4

5 (iii) "News media" means any organization that
6 supplies news to subscribing newspapers, magazines,
7 periodicals or news broadcasters;

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9 (iv) "Press association" means any association
10 of newspapers, magazines or other periodicals formed to
11 gather and distribute news to its members;

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13 (v) "Wire service" means any news agency that
14 provides syndicated news copy by wire to subscribing
15 newspapers, magazines, periodicals or news broadcasters.

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17 **1-12-702. Journalist privilege to refuse to disclose**
18 **information.**

19

20 (a) A current or former journalist shall have a
21 privilege to refuse to disclose, and to prevent any other
22 person from disclosing, any information obtained or

1 received in confidence, or the identity of the source of
2 the information, if the journalist:

3

4 (i) Obtains or receives the information, with or
5 without solicitation, in the course of gathering or
6 obtaining news for publication in a newspaper, magazine or
7 other periodical or for broadcast by a radio station or
8 television network; and

9

10 (ii) Is currently or, when the information was
11 obtained or received, was employed by or was otherwise in a
12 news-gathering capacity with the newspaper, magazine,
13 periodical, radio station or television network.

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15 **1-12-703. Privileged information; prohibitions.**

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17 (a) Notwithstanding any other provision of law, a
18 court in connection with any civil or criminal proceeding,
19 the legislature, any agency and any other public body
20 having the power of contempt shall not hold in contempt any
21 journalist for asserting the privilege under W.S. 1-12-702.
22 A grand jury shall not request any court to hold any

1 journalist in contempt for asserting the privilege under
2 W.S. 1-12-702.

3

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

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

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13 **1-12-704. Privileged communications; applicability.**

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15 (a) The privilege asserted under W.S. 1-12-702
16 applies to any information the journalist refuses to
17 disclose, notwithstanding whether:

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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 released.

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4 (b) The privilege asserted under W.S. 1-12-702 shall
5 apply to any supervisor or employer having authority over
6 the journalist, including any faculty advisor, educational
7 institution, newspaper, magazine, radio station or
8 television station that is associated with the University
9 of Wyoming or a Wyoming community college.

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

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14 **7-11-403. Applicability of rules and civil procedure**
15 **provisions.**

16

17 (a) To the extent practicable and when not otherwise
18 specifically provided, the provisions of the Wyoming Rules
19 of Civil Procedure, the Wyoming Rules of Evidence and the
20 Wyoming Code of Civil Procedure shall govern in criminal
21 cases, relative to:

22

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

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2 (iv) Proceedings to enforce the remedies and
3 protect the rights of parties ~~i-~~ and

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5 (v) Privileged information as provided in W.S.
6 1-12-701 through 1-12-704.

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8 **Section 3.** This act is effective July 1, 2020.

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(END)