

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 news
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 1-12-707 are created
9 to read:

10

11

ARTICLE 7

12

PRIVILEGED COMMUNICATIONS

13

14 **1-12-701. Journalist privilege to refuse to disclose**
15 **news 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 news 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, and
3 except as provided in this act, a court in connection with
4 any civil or criminal proceeding, the legislature, any
5 agency or any other public body having the power of
6 contempt shall not hold in contempt any journalist for
7 asserting the privilege under W.S. 1-12-701. A grand jury
8 shall not request any court to hold any journalist in
9 contempt for asserting the privilege under W.S. 1-12-701.

10

11 (b) Any news 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.

15

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.

8

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 **1-12-704. Burden of proof.**

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17 Except as provided in W.S. 1-12-705(a)(ii) with respect to
18 defamation actions, in any action to compel disclosure of
19 news information, the journalist asserting a privilege
20 under W.S. 1-12-701 shall have the burden of proving the
21 existence of the privilege.

22

23 **1-12-105. Exceptions allowing compelled disclosure.**

1

2 (a) There is no privilege under W.S. 1-12-701 if
3 either of the following conditions is met:

4

5 (i) Failure to disclose the news information
6 will create an imminent risk of death or serious bodily
7 harm;

8

9 (ii) In a defamation action where a person
10 seeking disclosure of news information which would
11 otherwise be privileged under W.S. 1-12-701 can demonstrate
12 that the news information will lead to evidence that is
13 relevant to an element of the defamation claim.

14

15 **1-12-706. Waiver.**

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17 A journalist waives the privilege under W.S. 1-12-701 if
18 the journalist voluntarily discloses or consents to
19 disclosure of the news information.

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21 **1-12-707. Definitions.**

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23 (a) As used in this act:

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

18

19 (ii) "News information" means:

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21 (A) Any written, oral, pictorial,
22 photographic or electronically recorded information or
23 communication concerning local, national or worldwide

1 events or other matters of public concern or public
2 interest or affecting the public welfare; and

3

4 (B) The identity of the source of the
5 information.

6

7 (b) "This act" means W.S. 1-12-701 through 1-12-707.

8

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

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12 **7-11-403. Applicability of rules and civil procedure**
13 **provisions.**

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

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

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1 (iv) Proceedings to enforce the remedies and
2 protect the rights of parties;:- and

3

4 (v) Privileged information as provided in W.S.
5 1-12-701 through 1-12-707.

6

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

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9

(END)