

# HOUSE BILL 385

D3

4lr0375

---

By: **Delegate Rosenberg**

Introduced and read first time: January 23, 2014

Assigned to: Judiciary

---

## A BILL ENTITLED

1 AN ACT concerning

2 **Privileged Communications – Dissemination of News or Information by**  
3 **Certain Persons**

4 FOR the purpose of applying certain provisions of law that protect privileged  
5 communications with members of the news media to a person who is, or has  
6 been, an independent contractor or agent of the news media; and generally  
7 relating to privileged communications with the news media.

8 BY repealing and reenacting, with amendments,  
9 Article – Courts and Judicial Proceedings  
10 Section 9–112  
11 Annotated Code of Maryland  
12 (2013 Replacement Volume and 2013 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
14 MARYLAND, That the Laws of Maryland read as follows:

15 **Article – Courts and Judicial Proceedings**

16 9–112.

17 (a) In this section, “news media” means:

18 (1) Newspapers;

19 (2) Magazines;

20 (3) Journals;

21 (4) Press associations;

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (5) News agencies;

2 (6) Wire services;

3 (7) Radio;

4 (8) Television; and

5 (9) Any printed, photographic, mechanical, or electronic means of  
6 disseminating news and information to the public.

7 (b) The provisions of this section apply to any person who is, or has been:

8 (1) Employed by the news media in any news gathering or news  
9 disseminating capacity; [or]

10 **(2) AN INDEPENDENT CONTRACTOR OR AGENT OF THE NEWS**  
11 **MEDIA IN ANY NEWS GATHERING OR NEWS DISSEMINATING CAPACITY,**  
12 **INCLUDING A SELF-EMPLOYED JOURNALIST; OR**

13 **[(2)] (3)** Enrolled as a student in an institution of postsecondary  
14 education and engaged in any news gathering or news disseminating capacity  
15 recognized by the institution as a scholastic activity or in conjunction with an activity  
16 sponsored, funded, managed, or supervised by school staff or faculty.

17 (c) Except as provided in subsection (d) of this section, any judicial,  
18 legislative, or administrative body, or anybody that has the power to issue subpoenas  
19 may not compel any person described in subsection (b) of this section to disclose:

20 (1) The source of any news or information procured by the person  
21 while employed by the news media or while enrolled as a student, whether or not the  
22 source has been promised confidentiality; or

23 (2) Any news or information procured by the person while employed by  
24 the news media, in the course of pursuing a professional activity, or any news or  
25 information procured by the person while enrolled as a student, in the course of  
26 pursuing a scholastic activity or in conjunction with an activity sponsored, funded,  
27 managed, or supervised by school staff or faculty, for communication to the public but  
28 which is not so communicated, in whole or in part, including:

29 (i) Notes;

30 (ii) Outtakes;

31 (iii) Photographs or photographic negatives;

1 (iv) Video and sound tapes;

2 (v) Film; and

3 (vi) Other data, irrespective of its nature, not itself disseminated  
4 in any manner to the public.

5 (d) (1) A court may compel disclosure of news or information, if the court  
6 finds that the party seeking news or information protected under subsection (c)(2) of  
7 this section has established by clear and convincing evidence that:

8 (i) The news or information is relevant to a significant legal  
9 issue before any judicial, legislative, or administrative body, or anybody that has the  
10 power to issue subpoenas;

11 (ii) The news or information could not, with due diligence, be  
12 obtained by any alternate means; and

13 (iii) There is an overriding public interest in disclosure.

14 (2) A court may not compel disclosure under this subsection of the  
15 source of any news or information protected under subsection (c)(1) of this section.

16 (e) If any person described in subsection (b) of this section disseminates a  
17 source of any news or information, or any portion of the news or information procured  
18 while pursuing an activity described in subsection (b) of this section, the protection  
19 from compelled disclosure under this section is not waived by the person.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
21 October 1, 2014.