D3 5lr1179

By: Delegates Rosenberg and Quinter

Introduced and read first time: February 11, 2005

Assigned to: Judiciary

1 AN ACT concerning

A BILL ENTITLED

2	Courts - Privileged Communication - Electronic Dissemination of N	lews

- 3 FOR the purpose of extending the privilege against compelled disclosure of news or
- 4 information sources that is provided to a certain person employed by a news
- 5 media to a certain person who gathers or disseminates news or information
- 6 through an Internet website commonly known as a weblog; limiting the
- 7 privilege so as not to apply to a certain public official with a weblog; protecting
- 8 a certain person from disclosing the source of news or information; protecting a
- 9 certain person from disclosing news or information under certain conditions;
- defining a term; and generally relating to the privilege against compelled
- disclosure of news or information sources.
- 12 BY repealing and reenacting, with amendments,
- 13 Article Courts and Judicial Proceedings
- 14 Section 9-112
- 15 Annotated Code of Maryland
- 16 (2002 Replacement Volume and 2004 Supplement)
- 17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
- 18 MARYLAND, That the Laws of Maryland read as follows:

19 Article - Courts and Judicial Proceedings

- 20 9-112.
- 21 (a) (1) In this [section,] SECTION THE FOLLOWING WORDS HAVE THE
- 22 MEANINGS INDICATED.
- 23 (2) ["news] "NEWS media" means:
- 24 [(1)] (I) Newspapers;
- 25 [(2)] (II) Magazines;
- 26 [(3)] (III) Journals;

2	2			UNOF	FICIAL COPY OF HOUSE BILL 1140				
	1		[(4)]	(IV)	Press associations;				
	2		[(5)]	(V)	News agencies;				
	3		[(6)]	(VI)	Wire services;				
	4		[(7)]	(VII)	Radio;				
	5		[(8)]	(VIII)	Television; and				
	6 7 (disseminatin	[(9)] g news a	(IX) nd inforn	Any printed, photographic, mechanical, or electronic means of nation to the public.				
		(3) "WEBLOG" MEANS AN INTERNET WEBSITE THAT USES A DATED LOG FORMAT THAT IS UPDATED ON A DAILY OR VERY FREQUENT BASIS WITH INFORMATION ABOUT A PARTICULAR SUBJECT OR RANGE OF SUBJECTS.							
	11	(b)	(1)	The pro	visions of this section apply to any person who:				
	12 13	gathering or	news dis	(I) sseminati	[is] IS, or has been, employed by the news media in any news ng capacity; OR				
		GATHERS WEBLOG.	OR DISS	(II) SEMINA	EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION TES NEWS OR INFORMATION TO THE PUBLIC THROUGH A				
	17 18	APPLY TO	(2) A PUBL		ROVISIONS OF PARAGRAPH (1)(II) OF THIS SUBSECTION DO NOT CIAL.				
		9 (c) Except as provided in subsection (d) of this section, any judicial, legislative, or administrative body, or any body that has the power to issue subpoenas may not compel any person described in subsection (b) of this section to disclose:							
	24	2 (1) The source of any news or information procured by the person while 3 employed by the news media OR WHILE GATHERING OR DISSEMINATING NEWS OR 4 INFORMATION THROUGH A WEBLOG, whether or not the source has been promised 5 confidentiality; or							
	28 29	26 (2) Any news or information procured by the person while employed by 27 the news media, in the course of pursuing professional activities, OR WHILE 28 GATHERING OR DISSEMINATING NEWS OR INFORMATION THROUGH A WEBLOG, for 29 communication to the public but which is not so communicated, in whole or in part, 30 including:							
	31			(i)	Notes;				
	32			(ii)	Outtakes;				
	33			(iii)	Photographs or photographic negatives;				
	34			(iv)	Video and sound tapes;				

UNOFFICIAL COPY OF HOUSE BILL 1140

1		(v)	Film; and			
2 3	any manner to the pub	(vi) olic.	Other data, irrespective of its nature, not itself disseminated in			
		eking nev	may compel disclosure of news or information, if the court vs or information protected under subsection $(c)(2)$ of clear and convincing evidence that:			
	before any judicial, le to issue subpoenas;	(i) gislative,	The news or information is relevant to a significant legal issue or administrative body, or any body that has the power			
10 11	obtained by any alter	(ii) nate mea	The news or information could not, with due diligence, be ns; and			
12		(iii)	There is an overriding public interest in disclosure.			
13 14	(2) of any news or inform		may not compel disclosure under this subsection of the source otected under subsection $(c)(1)$ of this section.			
17 18	(e) If any person employed by the news media OR ANY PERSON DESCRIBED IN SUBSECTION (B)(1)(II) OF THIS SECTION disseminates a source of any news or information, or any portion of the news or information procured while pursuing professional activities, the protection from compelled disclosure under this section is not waived by the individual.					
20 21	SECTION 2. AN October 1, 2005.	D BE IT	FURTHER ENACTED, That this Act shall take effect			