

Department of Legislative Services
Maryland General Assembly
2005 Session

FISCAL AND POLICY NOTE

House Bill 1140

(Delegates Rosenberg and Quinter)

Judiciary

Courts - Privileged Communication - Electronic Dissemination of News

This bill extends the privilege against compelled disclosure of news or information sources to persons who gather or disseminate news or information through a weblog. The privilege does not extend to public officials.

Fiscal Summary

State Effect: None. The change is procedural in nature and would not directly affect judicial operations or expenditures.

Local Effect: None – see above.

Small Business Effect: None.

Analysis

Bill Summary: “Weblog” means an internet web site that uses a dated log format which is updated on a daily or very frequent basis with information about a particular subject or range of subjects.

Any judicial, legislative, or administrative body, or any body that has the power to issue subpoenas, may not compel a person who gathers or disseminates news or information through a public weblog to disclose the source of any news or information procured by the person or any news or information procured by the person for communication to the public, but not communicated.

A court may compel a person who gathers or disseminates news or information through a public weblog to disclose news or information, if the court finds that the party seeking protected news or information has established by clear and convincing evidence that:

- the news or information is relevant to a significant legal issue before any judicial, legislative, or administrative body, or any body that has the power to issue subpoenas;
- the news or information could not, with due diligence, be obtained by any alternate means; and
- there is an overriding public interest in disclosure.

A court may not compel disclosure of the source of any news or information.

Current Law: “News media” means:

- newspapers;
- magazines;
- journals;
- press associations;
- news agencies;
- wire services;
- radio;
- television; and
- any printed, photographic, mechanical, or electronic means of disseminating news and information to the public.

A judicial, legislative, or administrative body, or any body that has the power to issue subpoenas, may not compel any person who is, or has been, employed by the news media in any news gathering or news disseminating capacity to disclose:

- the source of any news or information procured by the person while employed by the news media, whether or not the source has been promised confidentiality; or
- any news or information procured by the person while employed by the news media, in the course of pursuing professional activities, for communication to the public but which is not so communicated, in whole or in part.

A court may compel disclosure of news or information, if the court finds that the party seeking protected news or information has established by clear and convincing evidence that:

- the news or information is relevant to a significant legal issue before any judicial, legislative, or administrative body, or any body that has the power to issue subpoenas;
- the news or information could not, with due diligence, be obtained by any alternate means; and
- there is an overriding public interest in disclosure.

A court may not compel disclosure of the source of any news or information.

If any person employed by the news media 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 is not waived by the individual.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts), Department of Legislative Services

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mp/jr

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