

1 **ENROLLED**

2 COMMITTEE SUBSTITUTE

3 for

4 **H. B. 2159**

5 (By Delegates Doyle and Mahan)

6
7
8 [Passed March 12, 2011; in effect ninety days from passage.]

9
10 AN ACT to amend the Code of West Virginia, 1931, as amended, by
11 adding thereto a new section, designated §57-3-10, relating to
12 prohibiting members of the news media from being compelled to
13 disclose sources and certain information in legal proceedings;
14 providing a definition; and providing exceptions thereto.

15 *Be it enacted by the Legislature of West Virginia:*

16 That the Code of West Virginia, 1931, as amended, be amended
17 by adding thereto a new section, designated §57-3-10, to read as
18 follows:

19 **ARTICLE 3. COMPETENCY OF WITNESSES.**

20 **§57-3-10. Reporters' Privilege.**

21 (a) "Reporter" means a person who regularly gathers, prepares,
22 collects, photographs, records, writes, edits, reports, or
23 publishes news or information that concerns matters of public
24 interest for dissemination to the public for a substantial portion

1 of the person's livelihood, or a supervisor, or employer of that
2 person in that capacity: *Provided*, That a student reporter at an
3 accredited educational institution who meets all of the
4 requirements of this definition, except that his or her reporting
5 may not provide a portion of his or her livelihood, meets the
6 definition of reporter for purposes of this section.

7 (b) No reporter may be compelled to:

8 (1) Testify in any civil, criminal, administrative or grand
9 jury proceeding in any court in this state concerning the
10 confidential source of any published or unpublished information
11 obtained by the reporter in the course of the above described
12 activities without the consent of the confidential source, unless
13 such testimony is necessary to prevent imminent death, serious
14 bodily injury or unjust incarceration; or

15 (2) Produce any information or testimony that would identify
16 a confidential source, without the consent of the confidential
17 source, unless such testimony or information is necessary to
18 prevent imminent death, serious bodily injury or unjust
19 incarceration.

20 (c) Nothing in this section shall be read to limit any
21 existing constitutional protections afforded any person under the
22 United States or West Virginia Constitutions.