

1 COMMITTEE SUBSTITUTE

2 for

3 **H. B. 2159**

4 (By Delegates Doyle and Mahan)

5 (Originating in the Committee on the Judiciary)

6  
7  
8 [February 25, 2011]

9  
10 A BILL 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 disclosure of sources and certain information in legal  
14 proceedings; providing a definition; and providing exceptions  
15 thereto.

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

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

20 **ARTICLE 3. COMPETENCY OF WITNESSES.**

21 **§57-3-10. Reporters' Privilege.**

22 (a) "Reporter" means a person who regularly gathers, prepares,  
23 collects, photographs, records, writes, edits, reports, or  
24 publishes news or information that concerns matters of public

1 interest for dissemination to the public for a substantial portion  
2 of the person's livelihood or for substantial financial gain, or a  
3 supervisor, or employer of that person in that capacity.

4 (b) No reporter may be compelled to:

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7 any published or unpublished information obtained by the reporter  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

11 (2) Produce any information or testimony that would identify  
12 a confidential source, without the consent of the source, unless  
13 such testimony or information is necessary to prevent imminent  
14 death or serious bodily injury.

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