

COMMITTEE SUBSTITUTE

FOR

H. B. 2159

(BY DELEGATES DOYLE AND MAHAN)

(Originating in the Committee on the Judiciary)
[February 25, 2011]

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §57-3-10, relating to prohibiting members of the news media from being compelled to disclosure of sources and certain information in legal proceedings; providing a definition; and providing exceptions thereto.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 3. COMPETENCY OF WITNESSES.

§57-3-10. Reporters' Privilege.

1 (a) "Reporter" means a person who regularly gathers,
2 prepares, collects, photographs, records, writes, edits, reports,
3 or publishes news or information that concerns matters of
4 public interest for dissemination to the public for a
5 substantial portion of the person's livelihood or for
6 substantial financial gain, or a supervisor, or employer of that
7 person in that capacity.

8 (b) No reporter may be compelled to:

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11 source of any published or unpublished information obtained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

16 (2) Produce any information or testimony that would
17 identify a confidential source, without the consent of the

18 source, unless such testimony or information is necessary to
19 prevent imminent death or serious bodily injury.

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