

COMMITTEE SUBSTITUTE

FOR

**H. B. 2159**

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(BY DELEGATES DOYLE AND MAHAN)

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(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11       source of any published or unpublished information obtained  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.