

HB 1539 -- DISCLOSURE OF NEWS SOURCES

SPONSOR: Jones (89)

COMMITTEE ACTION: Voted "do pass" by the Special Committee on General Laws by a vote of 6 to 0.

This bill protects individuals and media entities from being required to disclose in any administrative, civil, or criminal proceeding the source of any published or unpublished information obtained by the individual or entity. The party seeking the source of the information may petition the circuit court of the county where the proceeding is located for a court order to require the individual to disclose his or her source. The court, in making its decision, must consider the nature of the proceeding, the merits of the claim, the available alternative means for establishing the source of the information, and the public interest in protecting the confidential source. The court is authorized to compel disclosure of the information if it does not involve any information required to be kept secret under federal or state law and the disclosure is essential to the protection of the public interest involved in the proceeding.

FISCAL NOTE: No impact on state funds in FY 2009, FY 2010, and FY 2011.

PROPOSERS: Supporters say that the current problem with the limited privilege for reporters and media is conflicting caselaw on when the privilege can be invoked. Missouri needs one unified statutorily recognized privilege to stop abuses and protect a reporter's work product. The bill clarifies the court rulings on the privilege and adds predictability for situations when journalists are subpoenaed and ordered to produce their sources. The bill will protect the free flow of information to the public while still allowing the court to decide whether a journalist must reveal a source.

Testifying for the bill were Representative Jones (89); Joe Martineau; Jim Robertson; and Jean Maneke, Missouri Press Association.

OPPOSERS: There was no opposition voiced to the committee.