
By: **Delegates Rosenberg and Quinter**

Introduced and read first time: February 11, 2005

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Courts - Privileged Communication - Electronic Dissemination of News**

3 FOR the purpose of extending the privilege against compelled disclosure of news or
4 information sources that is provided to a certain person employed by a news
5 media to a certain person who gathers or disseminates news or information
6 through an Internet website commonly known as a weblog; limiting the
7 privilege so as not to apply to a certain public official with a weblog; protecting
8 a certain person from disclosing the source of news or information; protecting a
9 certain person from disclosing news or information under certain conditions;
10 defining a term; and generally relating to the privilege against compelled
11 disclosure of news or information sources.

12 BY repealing and reenacting, with amendments,
13 Article - Courts and Judicial Proceedings
14 Section 9-112
15 Annotated Code of Maryland
16 (2002 Replacement Volume and 2004 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
18 MARYLAND, That the Laws of Maryland read as follows:

19 **Article - Courts and Judicial Proceedings**

20 9-112.

21 (a) (1) In this [section,] SECTION THE FOLLOWING WORDS HAVE THE
22 MEANINGS INDICATED.

23 (2) ["news] "NEWS media" means:

24 [(1)] (I) Newspapers;

25 [(2)] (II) Magazines;

26 [(3)] (III) Journals;

1 (v) Film; and

2 (vi) Other data, irrespective of its nature, not itself disseminated in
3 any manner to the public.

4 (d) (1) A court may compel disclosure of news or information, if the court
5 finds that the party seeking news or information protected under subsection (c)(2) of
6 this section has established by clear and convincing evidence that:

7 (i) The news or information is relevant to a significant legal issue
8 before any judicial, legislative, or administrative body, or any body that has the power
9 to issue subpoenas;

10 (ii) The news or information could not, with due diligence, be
11 obtained by any alternate means; and

12 (iii) There is an overriding public interest in disclosure.

13 (2) A court may not compel disclosure under this subsection of the source
14 of any news or information protected under subsection (c)(1) of this section.

15 (e) If any person employed by the news media OR ANY PERSON DESCRIBED IN
16 SUBSECTION (B)(1)(II) OF THIS SECTION disseminates a source of any news or
17 information, or any portion of the news or information procured while pursuing
18 professional activities, the protection from compelled disclosure under this section is
19 not waived by the individual.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 2005.