

CHAPTER NO. 285.

HOUSE BILL NO. 368

INTRODUCED BY DUSSAULT, HUENNEKENS

IN THE HOUSE

January 24, 1979	Introduced and referred to Committee on Judiciary.
February 7, 1979	Committee recommend bill do pass as amended. Report adopted.
February 8, 1979	Printed and placed on members' desks.
February 9, 1979	Second reading, do pass.
February 10, 1979	Considered correctly engrossed.
February 12, 1979	Third reading, passed. Transmitted to second house.

IN THE SENATE

February 13, 1979	Introduced and referred to Committee on Judiciary.
March 9, 1979	Committee recommend bill be concurred in. Report adopted.
March 12, 1979	Second reading, concurred in.
March 14, 1979	Third reading, concurred in.

IN THE HOUSE

March 15, 1979	Returned from second house. Concurred in. Sent to enrolling. Reported correctly enrolled.
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1 House BILL NO. 368
2 INTRODUCED BY Alvin C. Hunsicker

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE
5 REPORTERS' CONFIDENCE ACT; AMENDING SECTIONS 26-1-902 AND
6 26-1-903, MCA."

7
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9 Section 1. Section 26-1-902, MCA, is amended to read:

10 "26-1-902. Extent of reporters' privilege. (1) Without
11 his or its consent no person engaged, ~~or who was so engaged~~
12 ~~at the time the information sought was procured, in the work~~
13 ~~of or connected with or employed by~~ including any newspaper,
14 ~~magazine, press association, news agency,~~ news service,
15 radio station, television station, or community antenna
16 television service or any person connected with or employed
17 by any of these for the purpose of gathering, writing,
18 editing, or disseminating news may be examined as to or may
19 be required to disclose any information obtained or prepared
20 or the source of that information in any legal proceeding
21 if the information was gathered, received, or processed in
22 the course of his employment.

23 (2) A person engaged as in subsection (1) may not be
24 adjudged in contempt by a judicial, legislative,
25 administrative, or any other body having the power to issue

1 subpoenas for refusing to disclose or produce the source of
2 any information or for refusing to disclose any information
3 obtained or prepared in gathering, receiving, or processing
4 information in the course of his employment or its
5 business."

6 Section 2. Section 26-1-903, MCA, is amended to read:

7 "26-1-903. Waiver of privilege. (1) Dissemination,
8 except as provided in subsection (2), in whole or in part
9 does not constitute a waiver of provisions of 26-1-902.

10 (2) If the person claiming the privilege voluntarily
11 offers to testify, with or without having been subpoenaed,
12 before a judicial, legislative, administrative, or other
13 body having the power to issue subpoenas, he or it waives
14 the provisions of 26-1-902. Except as provided in this
15 subsection, the provisions of 26-1-902 may not be waived."

-End-

Approved by Committee
on Judiciary

HOUSE BILL NO. 368

INTRODUCED BY DUSSAULT, HUENNEKENS

A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE REPORTERS' CONFIDENCE ACT; AMENDING SECTIONS ~~26-1-901, 26-1-902, AND 26-1-903, MCA.~~"

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

SECTION 1. SECTION 26-1-901, MCA, IS AMENDED TO READ:

"26-1-901. Short title. This part shall be known and may be cited as the "Reporters'---Confidence Media Confidentiality Act"."

Section 2. Section 26-1-902, MCA, is amended to read:

"26-1-902. Extent of reporters' privilege. (1) Without his or its consent no person engaged, ~~or who was so engaged at the time the information sought was procured, in the work of or connected with or employed by including~~ any newspaper, ~~magazine, press association, news agency, news service, radio station, television station, or community antenna television service~~ or any person connected with or employed by any of these for the purpose of gathering, writing, editing, or disseminating news may be examined as to or may be required to disclose any information obtained or prepared or the source of that information in any legal proceeding if the information was gathered, received, or processed in

the course of his employment OR ITS BUSINESS.

(2) A person engaged ~~as~~ DESCRIBED in subsection (1) may not be adjudged in contempt by a judicial, legislative, administrative, or any other body having the power to issue subpoenas for refusing to disclose or produce the source of any information or for refusing to disclose any information obtained or prepared in gathering, receiving, or processing information in the course of his employment or its business."

Section 3. Section 26-1-903, MCA, is amended to read:

"26-1-903. Waiver of privilege. (1) Dissemination, except as provided in subsection (2), in whole or in part does not constitute a waiver of provisions of 26-1-902.

(2) If the person claiming the privilege voluntarily offers to testify OR TO PRODUCE THE SOURCE, with or without having been subpoenaed OR ORDERED TO TESTIFY OR PRODUCE THE SOURCE, before a judicial, legislative, administrative, or other body having the power to issue subpoenas OR JUDICIALLY ENFORCEABLE ORDERS, he or it waives the provisions of 26-1-902. Except as provided in this subsection, the provisions of 26-1-902 may not be waived."

-End-

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5 REPORTERS' CONFIDENCE ACT; AMENDING SECTIONS ~~26-1-901,~~
6 ~~26-1-902,~~ AND 26-1-903, MCA."

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13 Section 2. Section 26-1-902, MCA, is amended to read:

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17 ~~of or connected with or employed by~~ including any newspaper,
18 magazine, press association, news agency, news service,
19 radio station, television station, or community antenna
20 television service or any person connected with or employed
21 by any of these for the purpose of gathering, writing,
22 editing, or disseminating news may be examined as to or may
23 be required to disclose any information obtained or prepared
24 or the source of that information in any legal proceeding
25 if the information was gathered, received, or processed in

1 the course of his employment OR ITS BUSINESS.

2 (2) A person engaged ~~as DESCRIBED~~ in subsection (1)
3 may not be adjudged in contempt by a judicial, legislative,
4 administrative, or any other body having the power to issue
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15 offers to testify OR TO PRODUCE THE SOURCE, with or without
16 having been subpoenaed OR ORDERED TO TESTIFY OR PRODUCE THE
17 SOURCE, before a judicial, legislative, administrative, or
18 other body having the power to issue subpoenas OR JUDICIALLY
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20 26-1-902. Except as provided in this subsection, the
21 provisions of 26-1-902 may not be waived."

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18 other body having the power to issue subpoenas OR JUDICIALLY
19 ENFORCEABLE ORDERS, he ~~or it~~ waives the provisions of
20 26-1-902. ~~Except as provided in this subsection, the~~
21 ~~provisions of 26-1-902 may not be waived.~~"

-End-