

HOUSE BILL 390

IN THE HOUSE

January 24, 1979	Introduced and referred to Committee on Judiciary.
February 7, 1979	Committee recommend bill, as amended.
February 8, 1979	Printed and placed on members' desks.
February 9, 1979	Second reading, do not pass.

HOUSE BILL, NO. 390

INTRODUCED BY

*Gregg Hendler*  
*Astoria County Dozier*  
*Manning* *Anderson* *Robinson*

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 26-1-902, MCA, TO PROVIDE AN EXCEPTION TO THE REPORTERS' CONFIDENCE ACT, POPULARLY KNOWN AS THE "SHIELD LAW", IN CRIMINAL CASES."

*Daily*  
*Wynick*  
*Boyd*  
*Bennett*

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

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

"26-1-902. Extent of reporters' privilege. (1) Without ~~Except as provided in subsection (3), without~~ his 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 any newspaper, news service, radio station, television station, or community antenna television service 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.

(2) ~~Except as provided in subsection (3), 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 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.

~~(3) Subsections (1) and (2) do not apply to criminal proceedings, and in such proceedings a person engaged as described in subsection (1) may be examined as to and required to disclose any information described in subsection (1) or the source of such information."~~

-End-

Approved by Committee  
on Judiciary

HOUSE BILL NO. 390

INTRODUCED BY TEAGUE, KEYSER, STAIGHILLER,  
PISTORIA, CONROY, DOZIER, MENAHAN, PAVLOVICH,  
FEDA, MANNING, ANDERSON, K. ROBBINS, DAILY,  
ROTH, WYRICK, GOULD, BENNETT

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~~(3) Subsections (1) and (2) do not apply to criminal  
proceedings, and in such proceedings a person engaged as  
described in subsection (1) may be examined as to and  
required to disclose any~~ PROCEEDINGS WHENEVER THE DISCLOSURE  
OF THE information described in subsection (1) or the source  
of such information WOULD RESULT IN EVIDENCE THAT, IN THE  
OPINION OF THE COURT, COULD PROBABLY BE DETERMINATIVE OF THE  
INNOCENCE OR GUILT OF A DEFENDANT. BEFORE THE COURT MAY  
REQUIRE THE DISCLOSURE OF THE INFORMATION OR THE SOURCE IN  
OPEN COURT, THE COURT SHALL HOLD AN IN CAMERA HEARING TO  
DETERMINE THE EVIDENTIARY STATUS OF THE INFORMATION SOUGHT  
TO BE DISCLOSED. AN INDIVIDUAL SUBJECT TO THE DISCLOSURE  
REQUIREMENTS AND HIS ATTORNEY OR A REPRESENTATIVE OF A  
PERSON SUBJECT TO THE DISCLOSURE REQUIREMENTS, OTHER THAN AN  
INDIVIDUAL, AND HIS ATTORNEY ARE ENTITLED TO BE PRESENT AT  
THE HEARING, NO OTHER INDIVIDUAL, OTHER THAN THE JUDGE, MAY  
BE PRESENT."

-End-

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SECOND READING

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