

SENATE BILL NO. 322
INTRODUCED BY VAN VALKENBURG, RAMIREZ

IN THE SENATE

FEBRUARY 2, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
	FIRST READING.
FEBRUARY 6, 1989	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
FEBRUARY 7, 1989	PRINTING REPORT.
FEBRUARY 8, 1989	PASS CONSIDERATION.
FEBRUARY 9, 1989	SECOND READING, DO PASS.
FEBRUARY 10, 1989	ENGROSSING REPORT.
FEBRUARY 11, 1989	THIRD READING, PASSED. AYES, 46; NOES, 0.
	TRANSMITTED TO HOUSE.

IN THE HOUSE

FEBRUARY 11, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
FEBRUARY 20, 1989	FIRST READING.
MARCH 8, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.
MARCH 11, 1989	SECOND READING, CONCURRED IN AS AMENDED.
MARCH 14, 1989	THIRD READING, CONCURRED IN. AYES, 98; NOES, 0.
	RETURNED TO SENATE WITH AMENDMENTS.

IN THE SENATE

APRIL 1, 1989

RECEIVED FROM HOUSE.

SECOND READING, AMENDMENTS
CONCURRED IN.

APRIL 4, 1989

THIRD READING, AMENDMENTS
CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 Senate BILL NO. 322
2 INTRODUCED BY Van Vleet Ramsey
3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE MEDIA
5 CONFIDENTIALITY ACT BY PROVIDING THAT A PERSON WHO TESTIFIES
6 IN A LAWSUIT AGAINST A MEDIA ENTITY DOES NOT WAIVE THE
7 JOURNALIST PRIVILEGE; AND AMENDING 26-1-903, MCA."

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

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

11 "26-1-903. Waiver of privilege. (1) Dissemination,
12 except as provided in subsection (2), in whole or in part
13 does not constitute a waiver of provisions of 26-1-902.

14 (2) If the person claiming the privilege voluntarily
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
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.

22 (3) A person claiming the privilege who offers to
23 testify in connection with a lawsuit filed against a person
24 referred to in 26-1-902(1) does not waive the provisions of
25 26-1-902."

-End-



INTRODUCED BILL
SB 322

APPROVED BY COMMITTEE
ON JUDICIARY

1 *Senate* BILL NO. *322*
2 INTRODUCED BY *Van Valkenburg Ramsey*
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23 testify in connection with a lawsuit filed against a person
24 referred to in 26-1-902(1) does not waive the provisions of
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-End-



SECOND READING

SB 322

1 Senate BILL NO. 322
2 INTRODUCED BY Van Valkenburg Ramsey
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5 CONFIDENTIALITY ACT BY PROVIDING THAT A PERSON WHO TESTIFIES
6 IN A LAWSUIT AGAINST A MEDIA ENTITY DOES NOT WAIVE THE
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12 except as provided in subsection (2), in whole or in part
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14 (2) If the person claiming the privilege voluntarily
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
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.

22 (3) A person claiming the privilege who offers to
23 testify in connection with a lawsuit filed against a person
24 referred to in 26-1-902(1) does not waive the provisions of
25 26-1-902."

-End-



THIRD READING
SB 322

STANDING COMMITTEE REPORT

March 7, 1989

Page 1 of 1

Mr. Speaker: We, the committee on Judiciary report that Senate Bill 322 (third reading copy -- blue) be concurred in as amended .

Signed: 
Dave Brown, Chairman

[REP. RAMIREZ WILL CARRY THIS BILL ON THE HOUSE FLOOR]

And, that such amendments read:

1. Title, line 5.

Strike: "PROVIDING"

Insert: "CLARIFYING"

2. Title, lines 6 and 7.

Strike: "AGAINST" on line 6 through "PRIVILEGE" on line 7

Insert: "MAY WAIVE THE JOURNALIST SOURCE PRIVILEGE ONLY BY
VOLUNTARILY DISCLOSING THE SOURCE"

3. Page 1, lines 11 and 12.

Following: "(1)" on line 11

Strike: "Dissemination, except"

Insert: "Except"

4. Page 1, line 12.

Following: "(2),"

Insert: "dissemination"

5. Page 1, line 19.

Strike: "waives"

Insert: "does not waive"

6. Page 1, line 20.

Following: "26-1-902"

Insert: "unless the person voluntarily discloses the source"

7. Page 1, lines 22 through 25.

Strike: subsection (3) in its entirety

HOUSE

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SB 322

PT

COMMITTEE OF THE WHOLE AMENDMENT
SENATE BILL 322
Representative Jack Ramirez

March 11, 1989 8:39 am
Page 1 of 1

Mr. Chairman: I move to amend SENATE BILL 322 (third reading copy -- blue).

Signed: Ramirez
Representative Jack Ramirez

And, that such amendments to SENATE BILL 322, as amended by the House Committee on Judiciary 3/7/89, read as follows:

1. Page 1, lines 14 and 15.
Following: "privilege" on line 14
Strike: "voluntarily" on line 14 through "source" on line 15
Insert: "testifies"
2. Page 1, line 19.
Following: "he"
Strike: "or it"
3. Page 1, line 20 [as amended by the Judiciary Committee amendment No. 6].
Following: "voluntarily"
Insert: "agrees to waive the privilege or voluntarily"
Following: "source"
Insert: "in the course of his testimony"

ADOPT

REJECT

HOUSE

(R)

570838CW.HBV

SB 322

SENATE BILL NO. 322

INTRODUCED BY VAN VALKENBURG, RAMIREZ

A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE MEDIA CONFIDENTIALITY ACT BY PROVIDING CLARIFYING THAT A PERSON WHO TESTIFIES IN A LAWSUIT AGAINST-A-MEDIA-ENTITY--DOES--NOT WAIVE--THE--JOURNALIST--PRIVILEGE MAY WAIVE THE JOURNALIST SOURCE PRIVILEGE ONLY BY VOLUNTARILY DISCLOSING THE SOURCE; AND AMENDING 26-1-903, MCA."

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

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

"26-1-903. Waiver of privilege. (1) Dissemination, except EXCEPT as provided in subsection (2), DISSEMINATION 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 TESTIFIES, 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 DOES NOT WAIVE the provisions of 26-1-902 UNLESS THE PERSON VOLUNTARILY AGREES TO WAIVE THE PRIVILEGE OR VOLUNTARILY DISCLOSES THE SOURCE IN THE COURSE OF HIS TESTIMONY. Except

as provided in this subsection, the provisions of 26-1-902 may not be waived.

~~(3) A person claiming the privilege who offers to testify in connection with a lawsuit filed against a person referred to in 26-1-902(1) does not waive the provisions of 26-1-902.~~"

-End-