

By Mrs. Gray of Framingham, petition of Barbara E. Gray and Robert J. Bohigian relative to providing a privilege for journalists and newscasters against disclosures of news sources and confidential information. The Judiciary.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Nine.

AN ACT PROVIDING A TESTIMONIAL PRIVILEGE FOR JOURNALISTS AND NEWSCASTERS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. General Policy. The general court finds that a
2 grand jury's power to compel a journalist or newscaster to disclose
3 news sources and confidential information restrains free flow of
4 information to the public. This act provides journalists and
5 newscasters with a privilege against such forced disclosures.

1 SECTION 2. Chapter 233 of the General Laws is hereby
2 amended by inserting after section 20I the following section: —

3 Section 20J. Journalist's Privilege.

4 (a) Definitions.

5 (1) "Journalist" means one who engages in gathering,
6 preparing or editing information for a periodical or news agency.

7 (2) "Information" means any oral, written or pictorial material
8 including but not limited to documents, electronic impulses,
9 expressions of opinion, films, photographs, sound records, and
10 statistical data.

11 (3) "News agency" means an organization that collects and
12 supplies information to subscribing periodicals and broadcasters.

13 (4) "Newscaster" means one who engages in gathering,
14 analyzing, commenting or broadcasting information by radio or
15 television transmission.

16 (5) "Periodical" means a newspaper, magazine, journal or
17 other serial publication.

18 (6) "Source" means a person who knowingly communicates
19 information to a journalist or newscaster.

20 (b) Privileged information.

21 "Privileged information" means

22 (1) the identity of a source;

23 (2) information that tends to reveal a source; or

24 (3) information received in confidence.

25 (c) Exemption of journalists and newscasters from contempt.

26 A court shall not hold a person in contempt for refusing or
27 failing to disclose to a grand jury privileged information the
28 person procured while acting as a journalist or newscaster and
29 while gathering news for publication in a periodical or for
30 broadcast by a radio or television transmission station or network.

31 (d) Waiver.

32 A person does not waive or forfeit the exemption from
33 contempt provided for in subsection (c) by publishing or
34 disclosing privileged information.