

6 GCA EVIDENCE
DIV. 2 PRINCIPLES OF EVIDENCE
CH.9 CERTAIN CONFIDENTIAL COMMUNICATIONS

CHAPTER 9
CERTAIN CONFIDENTIAL COMMUNICATIONS

§ 9101. News Media: Protection of Sources.

§ 9101. News Media: Protection of Sources.

(a) **Public Policy.** In order to protect the public interest and the free flow of information, the news media should have the benefit of a substantial privilege not to reveal sources of information or to disclose unpublished or untransmitted information. To this end, the freedom of the press and electronic media requires protection of the confidential relationship between the news gatherer and the source of information. The purpose of this Chapter is to insure and perpetuate, consistent with the public interest, the confidential relationship between the news media and its sources.

(b) **Protection Afforded the Press.** A publisher, editor, reporter or other person connected with or employed upon a newspaper, magazine or other periodical publication, or by a press association or wire service, or any person who has been so connected or employed, cannot be adjudged in contempt by a judicial, legislative, administrative body, or any other body having the power to issue subpoenas, for refusing to disclose, in any proceeding, the source of any information procured while so connected or employed for publication in a newspaper, magazine, or other periodical publication, or for refusing to disclose the names of such other persons, or information which could lead to the disclosure of the protected source.

(c) Nor can a radio or television news reporter, editor, director, producer, manager, or other person connected with or employed by a radio or television station, or any person who has been so connected or employed, be so adjudged in contempt for refusing to disclose the source of any information procured while so connected or employed for news or news commentary purposes on radio or television, or for refusing to disclose the names of such other persons, or information which could lead to the disclosure of the protected source.

(d) If, in any action, proceeding, or before any body, any witness claims the protection of this Section against the objections of any party in the action, proceeding, or who is presiding of such action, proceeding or legislative or administrative body, the matter shall be determined upon petition to the Superior Court or to a judge thereof. Upon a hearing upon

6 GCA EVIDENCE
DIV. 2 PRINCIPLES OF EVIDENCE
CH.9 CERTAIN CONFIDENTIAL COMMUNICATIONS

such petition to require the witness to testify the court shall examine the witness in camera as to the facts or matters he seeks to bring under the protection of this Chapter. In such an in camera hearing the witness shall not have any of the privileges provided by this Chapter and shall answer the questions propounded him. The judge shall not release, in transcript form or in any other form, the nature of the testimony of the witness.

SOURCE: CCP § 1882 added by P.L. 13-181 and modified.

COMMENT: In testimony at the Legislative Public Hearing on this Title, the Attorney General testified that P.L. 13-181 is too broad and actually hinders the public interest. He agreed that protection of sources is necessary, but that protection of unpublished information is contrary to the public interest, so long as a protected source is not revealed. This Chapter has been modified to express the intent of this Testimony.
