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**CHAPTER 9**  
**CERTAIN CONFIDENTIAL COMMUNICATIONS**

§ 9101. News Media: Protection of Sources.

§ 9102. Victim and Crime Victim Advocate Communication.

**§ 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the news media should have the benefit of a substantial privilege not to reveal sources of information or to disclose unpublished or untransmitted information.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

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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.

**§ 9102. Victim and Crime Victim Advocate Communication.**

(a) Definitions. As used in this Section, crime victim advocate means a person who is employed or authorized by a public or private entity to provide counseling, treatment or other support assistance to crime victims.

(b) Victim-Advocate Privilege.

(1) A crime victim has a privilege to refuse to disclose, and to prevent any other person from disclosing, a confidential communication made by the victim to a crime victim advocate or any record made in the course of advising, counseling or assisting the victim. The privilege applies to confidential communications made between the victim and the advocate, and to records of those communications. This privilege does not include communications excluded under Subsection (c)(3) of this Section.

(2) The privilege may be claimed by the following:

(A) The victim, or the victim's attorney on behalf of the victim.

(B) A guardian or conservator of the victim.

(C) The personal representative of a deceased victim.

(D) The crime victim advocate, but only on behalf of the victim. The authority of the advocate to claim the privilege is presumed in the absence of evidence to the contrary.

(c) Consultation Between Crime Victim Advocate and Victim; Privileged Information; Exception.

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(1) A crime victim advocate shall not disclose as a witness or otherwise, any communication made by or with the victim, including any communication made to or in the presence of others, unless the victim consents in writing to the disclosure.

(2) Unless the victim consents either verbally or in writing to the disclosure, a crime victim advocate shall not disclose records, notes, documents, correspondence, reports or memoranda that contain opinions, theories or other information made while advising, counseling or assisting the victim, or that are based on communications made by or with the victim, including communications made to or in the presence of others.

(3) The communication is not privileged if the crime victim advocate knows that the victim will give or has given perjured testimony or if the communication contains exculpatory material.

(4) Notwithstanding Subsections (c)(1) and (2) of this Section, with the written or verbal consent of the victim, a crime victim advocate who is employed by the Attorney General's Office may disclose information to the prosecutor.

(5) If, with the written or verbal consent of the victim, the crime victim advocate discloses to the prosecutor or a law enforcement agency any communication between the victim and the advocate, or any records, notes, document, correspondence, reports or memoranda; the prosecutor or law enforcement agent shall disclose the material to the defendant's attorney only if such information is otherwise exculpatory.

(6) Notwithstanding Subsections (c)(1) and (2) of this Section, with the written or verbal consent of the victim, a crime victim advocate may disclose information to other professional and administrative support persons with whom the advocate works for the purpose of assisting the advocate in providing services to the victim.

**SOURCE:** Added by P.L. 33-051:1 (June 12, 2015).

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