

HOUSE BILL NO. 207

INTRODUCED BY D. ZOLNIKOV

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A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING GOVERNMENTAL BODIES FROM REQUESTING OR REQUIRING THE DISCLOSURE OF PRIVILEGED NEWS MEDIA INFORMATION FROM SERVICES THAT TRANSMIT ELECTRONIC COMMUNICATIONS; PROHIBITING AN ELECTRONIC COMMUNICATION SERVICE FROM BEING ADJUDGED IN CONTEMPT IF THE ELECTRONIC COMMUNICATION SERVICE REFUSES TO DISCLOSE CERTAIN INFORMATION; AND AMENDING SECTION 26-1-902, MCA."

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 privilege -- definition. (1) Without a person's consent, a person, including any newspaper, magazine, press association, news agency, news service, radio station, television station, or community antenna television service or any person connected with or employed by any of these for the purpose of gathering, writing, editing, or disseminating news, may not be examined as to or may not 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 the person's employment or business.

(2) A person described in subsection (1) or an electronic communication service used by that person 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 or produce 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 the person's business.

(3) A judicial, legislative, administrative, or other governmental body may not request or require the disclosure of information otherwise protected under subsection (1) from an electronic communication service.

(4) For the purposes of this section, "electronic communication service" means a service used to send, receive, transmit, store, or facilitate electronic communications.

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