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2011 APR -4 PM 2: 48

OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE
FIRST REGULAR SESSION, 2011



ENROLLED

COMMITTEE SUBSTITUTE
FOR
House Bill No. 2159

(By Delegates Doyle and Mahan)



Passed March 12, 2011

In Effect Ninety Days From Passage

HB 2159

ENROLLED

COMMITTEE SUBSTITUTE

FOR

H. B. 2159

(BY DELEGATES DOYLE AND MAHAN)

[Passed March 12, 2011; in effect ninety days from passage.]

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §57-3-10, relating to prohibiting members of the news media from being compelled to disclose sources and certain information in legal proceedings; providing a definition; and providing exceptions thereto.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §57-3-10, to read as follows:

ARTICLE 3. COMPETENCY OF WITNESSES.

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SECRETARY OF STATE

§57-3-10. Reporters' Privilege.

1 (a) "Reporter" means a person who regularly gathers,
2 prepares, collects, photographs, records, writes, edits, reports,
3 or publishes news or information that concerns matters of
4 public interest for dissemination to the public for a portion of
5 the person's livelihood, or a supervisor, or employer of that
6 person in that capacity: *Provided*, That a student reporter at
7 an accredited educational institution who meets all of the
8 requirements of this definition, except that his or her
9 reporting may not provide a portion of his or her livelihood,
10 meets the definition of reporter for purposes of this section.

11 (b) No reporter may be compelled to:


12 (1) Testify in any civil, criminal, administrative or grand
13 jury proceeding in any court in this state concerning the
14 confidential source of any published or unpublished
15 information obtained by the reporter in the course of the
16 above described activities without the consent of the
17 confidential source, unless such testimony is necessary to
18 prevent imminent death, serious bodily injury or unjust
19 incarceration; or

20 (2) Produce any information or testimony that would
21 identify a confidential source, without the consent of the
22 confidential source, unless such testimony or information is
23 necessary to prevent imminent death, serious bodily injury or
24 unjust incarceration.

25 (c) Nothing in this section shall be read to limit any
26 existing constitutional protections afforded any person under
27 the United States or West Virginia Constitutions.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

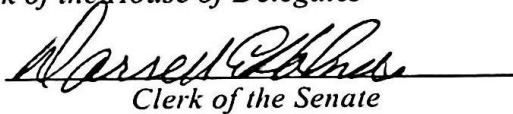

Chairman, House Committee


Chairman, Senate Committee

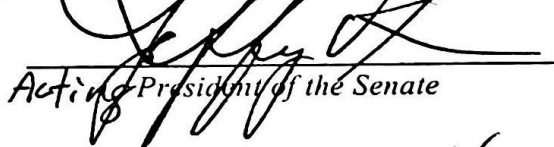
Originating in the House.

To take effect ninety days from passage.


Clerk of the House of Delegates


Clerk of the Senate


Speaker of the House of Delegates


Acting President of the Senate

The within is approved this the 4th
day of April, 2011.


Governor

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SECRET
OFFICE OF THE
SECRETARY OF STATE
COMMONWEALTH OF VIRGINIA

PRESENTED TO THE GOVERNOR

MAR 31 2011

Time 11:30 am
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