

---

HOUSE BILL 3187

---

State of Washington                      59th Legislature                      2006 Regular Session

By Representatives Williams, Chase and Wood

Read first time 01/24/2006. Referred to Committee on Judiciary.

1            AN ACT Relating to a privilege for persons in communications media;  
2 and adding a new chapter to Title 5 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4            NEW SECTION.    **Sec. 1.** The definitions in this section apply  
5 throughout this chapter unless the context clearly requires otherwise.

6            (1) "Information" has its ordinary meaning and includes, but is not  
7 limited to, any written, oral, pictorial, or electronically recorded  
8 news or other data.

9            (2) "Medium of communication" includes any newspaper, magazine or  
10 other periodical, book, news service, wire service, news or feature  
11 syndicate, broadcast station or network, cable television system, or  
12 internet news organization.

13            (3) "Processing" has its ordinary meaning and includes, but is not  
14 limited to, the compiling, storing, and editing of information.

15            (4) "Published information" means any information disseminated to  
16 the public.

17            (5) "Unpublished information" means any information not  
18 disseminated to the public, whether or not related information has been  
19 disseminated. "Unpublished information" includes, but is not limited

1 to, all notes, outtakes, photographs, tapes, or other data of whatever  
2 sort not disseminated to the public through a medium of communication,  
3 whether or not published information based upon or related to such  
4 material has been disseminated.

5 NEW SECTION. **Sec. 2.** (1) A person who, for the purpose of  
6 gathering, receiving, or processing information, is connected with,  
7 employed by, or engaged in a medium of communication that disseminates  
8 information to the public, shall not be required by a legislative,  
9 executive, or judicial officer or body, or any other authority having  
10 power to compel testimony or the production of evidence, to disclose,  
11 by subpoena or otherwise:

12 (a) The source of any published or unpublished information obtained  
13 by the person in the course of gathering, receiving, or processing  
14 information for a medium of communication that disseminates information  
15 to the public; or

16 (b) Any unpublished information obtained or prepared by the person  
17 in the course of gathering, receiving, or processing information for a  
18 medium of communication that disseminates information to the public.

19 (2)(a)(i) The papers, effects, or work premises of a person  
20 connected with, employed by, or engaged in any medium of communication  
21 that disseminates information to the public shall not be subject to a  
22 search by a legislative, executive, or judicial officer or body, or any  
23 other authority having power to compel the production of evidence, by  
24 search warrant or otherwise.

25 (ii) Third-party records that could be used to obtain the materials  
26 in subsection (1) of this section or determine the identity of a  
27 confidential source, such as credit card records, telephone billing  
28 records, and airline records, of a person connected with, employed by,  
29 or engaged in any medium of communication that disseminates information  
30 to the public, shall not be subject to a search by a legislative,  
31 executive, or judicial officer or body, or any other authority having  
32 power to compel the production of evidence, by search warrant or  
33 otherwise.

34 (b) The provisions of this subsection do not apply where probable  
35 cause exists to believe that the person has committed, is committing,  
36 or is about to commit a crime.

1        NEW SECTION.   **Sec. 3.**   (1) Section 2 of this act applies regardless  
2 of whether a person has disclosed elsewhere any of the information  
3 protected under section 2 of this act, or the source of any information  
4 protected under section 2 of this act, or any related information.

5        (2) Section 2 of this act continues to apply in relation to any of  
6 the information protected under section 2 of this act, or the source of  
7 any information protected under section 2 of this act, or any related  
8 information, even in the event of subsequent termination of a person's  
9 connection with, employment by, or engagement in any medium of  
10 communication that disseminates information to the public.

11        (3) The provisions of section 2(1) of this act do not apply to:

12        (a) The content or source of allegedly defamatory information in a  
13 civil action for defamation where the defendant asserts a defense based  
14 on the content or source of such information; and

15        (b) Physical evidence of a crime.

16        NEW SECTION.   **Sec. 4.**   This act does not apply to a governmental  
17 entity or to an official or employee of a governmental entity while  
18 engaged in official duties.

19        NEW SECTION.   **Sec. 5.**   Sections 1 through 4 of this act constitute  
20 a new chapter in Title 5 RCW.

--- END ---