

Introduced: 2/23/79
Referred: Judiciary

1 IN THE HOUSE

BY BROWN, ROGERS AND ZHAROFF

2 HOUSE BILL NO. 292

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act extending the conditional privilege of re-
7 porters as to sources of information; and providing for
8 an effective date."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 * Section 1. AS 09.25.150 is repealed and re-enacted to read:

11 Sec. 09.25.150. CLAIMING OF PRIVILEGE BY PUBLIC OFFICIAL OR RE-
12 PORTER. Except as provided in AS 09.25.160 - 09.25.220,

13 (1) a public official may not be compelled to disclose the
14 source of information obtained by him while acting in the course of his
15 duties as a public official; and

16 (2) a reporter may not be compelled to disclose the source of
17 information obtained by him, nor may he be required to produce photo-
18 graphs or photographic negatives taken by him, while acting in the
19 course of his duties as a reporter.

20 * Sec. 2. AS 09.25.160(b) is amended to read:

21 (b) The court may deny the privilege and may order the public
22 official or the reporter to testify, or may order a reporter to produce
23 photographs or photographic negatives, imposing whatever limits upon the
24 testimony and upon the right of cross-examination of the witness as may
25 be in the public interest or in the interest of a fair trial, if it
26 finds the withholding of the testimony would

27 (1) result in a miscarriage of justice or the denial of a
28 fair trial to those who challenge the privilege; or

29 (2) be contrary to the public interest.

1 * Sec. 3. AS 09.25.170(b) is amended to read:

2 (b) If, in a hearing, a public official or a reporter should re-
3 fuse to divulge the source of his information, or a reporter should re-
4 fuse to produce photographs or photographic negatives, the agency,
5 [BODY,] person, official, or party seeking the information may apply to
6 the superior court for an order divesting the official or reporter of
7 the privilege. When the issue is raised before the supreme court or a
8 superior court, the application must be made to that court.

9 * Sec. 4. AS 09.25.190 is amended to read:

10 Sec. 09.25.190. EXTENT OF PRIVILEGE. When a public official or
11 reporter claims the privilege conferred by AS 09.25.150 - 09.25.220, and
12 the public official or reporter has not been divested of the privilege
13 by order of the supreme or superior court, the public official, the
14 reporter or [NEITHER HE NOR] the news organization with which he was
15 associated may not thereafter be permitted to plead or prove the sources
16 of information withheld, and a reporter may not be required to produce
17 photographs or photographic negatives, unless the informant consents in
18 writing or in open court.

19 * Sec. 5. This Act takes effect immediately in accordance with AS 01.10.
20 070(c).

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