

Introduced: 2/4/81  
Referred: Judiciary

1 IN THE HOUSE

BY BROWN AND ROGERS

2 HOUSE BILL NO. 36

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH 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  
8 for 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 AS 09.25.150 is repealed and reenacted to read: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  
17 of information obtained by him, nor may he be required to produce  
18 photographs or photographic negatives taken by him or audio or video  
19 tapes produced by him while acting in the course of his duties as a  
20 reporter.

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

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

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

1 (2) be contrary to the public interest.

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

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

11 \* Sec. 4. AS 09.25.190 is amended to read:

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

21 \* Sec. 5. This Act takes effect immediately in accordance with AS 01.10.-

22 070(c).