

4642

2009-2010 Regular Sessions

I N S E N A T E

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Introduced by Sens. DUANE, MONTGOMERY, VOLKER -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the civil rights law, in relation to exemptions provided to professional journalists and newscasters from contempt

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Paragraph 6 of subdivision (a) of section 79-h of the civil
2 rights law, as amended by chapter 468 of the laws of 1981, is amended to
3 read as follows:

4 (6) "Professional journalist" shall mean one who, for gain or liveli-
5 hood, is engaged in gathering, preparing, collecting, writing, editing,
6 filming, taping or photographing of news intended for a newspaper, maga-
7 zine, news agency, press association [or], wire service or WEB LOG OR
8 other professional medium or agency which has as one of its regular
9 functions the processing and researching of news intended for dissem-
10 ination to the public; such person shall be someone performing said
11 function either as a regular employee or as one otherwise professionally
12 affiliated for gain or livelihood with such medium of communication.

13 S 2. Subdivision (a) of section 79-h of the civil rights law is
14 amended by adding a new paragraph 9 to read as follows:

15 (9) "WEB LOG" SHALL MEAN A WEBSITE OR WEBPAGE THAT CONTAINS AN ONLINE
16 JOURNAL CONTAINING NEWS, COMMENTS AND OFFERS HYPERLINKS PROVIDED BY THE
17 PROFESSIONAL JOURNALIST OR NEWSCASTER.

18 S 3. Subdivision (b) of section 79-h of the civil rights law, as
19 amended by chapter 33 of the laws of 1990, is amended to read as
20 follows:

21 (b) Exemption of professional journalists and newscasters from
22 contempt: Absolute protection for confidential news. Notwithstanding the
23 provisions of any general or specific law to the contrary, no profes-
24 sional journalist or newscaster presently or having previously been
25 employed or otherwise associated with any newspaper, magazine, news

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets
[] is old law to be omitted.

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1 agency, press association, wire service, WEB LOG, radio or television
2 transmission station or network or other professional medium of communi-
3 cating news or information to the public shall be adjudged in contempt
4 by any court in connection with any civil or criminal proceeding, or by
5 the legislature or other body having contempt powers, nor shall a grand
6 jury seek to have a journalist or newscaster held in contempt by any
7 court, legislature or other body having contempt powers for refusing or
8 failing to disclose any news obtained or received in confidence or the
9 identity of the source of any such news coming into such person's
10 possession in the course of gathering or obtaining news for publication
11 or to be published in a newspaper, magazine, WEB LOG or for broadcast by
12 a radio or television transmission station or network or for public
13 dissemination by any other professional medium or agency which has as
14 one of its main functions the dissemination of news to the public, by
15 which such person is professionally employed or otherwise associated in
16 a news gathering capacity notwithstanding that the material or identity
17 of a source of such material or related material gathered by a person
18 described above performing a function described above is or is not high-
19 ly relevant to a particular inquiry of government and notwithstanding
20 that the information was not solicited by the journalist or newscaster
21 prior to disclosure to such person.
22 S 4. This act shall take effect immediately.