

# STATE OF NEW YORK

431

2019-2020 Regular Sessions

## IN SENATE

(Prefiled)

January 9, 2019

Introduced by Sen. HOYLMAN -- 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 [~~ex~~], 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 § 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 § 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

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

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

23 § 4. This act shall take effect immediately.