

ASSEMBLY BILL 333 (LRB -2225)

An Act to create 885.14 of the statutes; relating to: limiting disclosure of information gathered by news persons.

2009

06-30. A. Introduced by Representatives **Parisi, Pasch, Berceau, Hixson, Zigmunt, Jorgensen, Turner, Molepske Jr., Benedict, Sinicki, Pocan** and Grigsby; cosponsored by Senators **Kreitlow, Holperin, Hansen, Schultz, Lehman, Cowles** and **Risser**.

06-30. A. Read first time and referred to committee on Judiciary and Ethics 328

07-14. A. Public hearing held.

09-08. A. Assembly substitute amendment 1 offered by Representative Parisi (**LRB s0114**) 364

09-09. A. Executive action taken.

09-16. A. Report Assembly Substitute Amendment 1 adoption recommended by committee on Judiciary and Ethics, Ayes 8, Noes 2 374

09-16. A. Report passage as amended recommended by committee on Judiciary and Ethics, Ayes 8, Noes 2 374

09-16. A. Referred to committee on Rules 374

09-17. A. Assembly amendment 1 to Assembly substitute amendment 1 offered by Representatives Kessler and Parisi (**LRB a0676**) 385

09-17. A. Placed on calendar 9-22-2009 by committee on Rules.

09-22. A. Read a second time 404

09-22. A. Assembly amendment 1 to Assembly substitute amendment 1 **adopted** 404

09-22. A. Assembly amendment 2 to Assembly substitute amendment 1 offered by Representatives Gundrum, Vos and Zipperer (**LRB a0768**) 404

09-22. A. Assembly amendment 2 to Assembly substitute amendment 1 laid on table, Ayes 50, Noes 45 404

09-22. A. Assembly substitute amendment 1 **adopted** 404

09-22. A. Ordered to a third reading 404

09-22. A. Rules suspended 404

09-22. A. Read a third time and **passed** 404

09-22. A. Ordered immediately messaged 404

09-23. S. Received from Assembly 333

09-24. S. Read first time and referred to committee on Judiciary, Corrections, Insurance, Campaign Finance Reform, and Housing 337

10-29. S. Public hearing held.

12-01. S. Executive action taken.

12-02. S. Report concurrence recommended by committee on Judiciary, Corrections, Insurance, Campaign Finance Reform, and Housing, Ayes 5, Noes 0 433

12-02. S. Available for scheduling.

2010

04-16. S. Placed on calendar 4-20-2010 pursuant to Senate Rule 18(1).

04-19. S. Senator Grothman added as a cosponsor.

04-20. S. Read a second time.

04-20. S. Ordered to a third reading.

04-20. S. Rules suspended.

04-20. S. Read a third time and **concurred in**.

04-20. S. Ordered immediately messaged.

04-20. A. Received from Senate concurred in.

(MM)

2009

ENROLLED BILL

09en AB-333

ADOPTED DOCUMENTS:

Orig

Engr

A SubAmdt 1

09 S 0114 / 1

Amendments to above (if none, write "NONE"): AA1 -

Corrections - show date (if none, write "NONE"): None

Topic Rel

4-22-10
Date


Enrolling Drafter



**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2009 ASSEMBLY BILL 333**

September 8, 2009 - Offered by Representative PARISI.

INS. AAI

1 **AN ACT to create** 885.14 of the statutes; **relating to:** limiting disclosure of
2 information gathered by news persons.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3 **SECTION 1.** 885.14 of the statutes is created to read:

4 **885.14 Disclosure of information and sources by news person. (1)**

5 **DEFINITION.** In this section, "news person" means any of the following:

6 (a) Any business or organization that, by means of print, broadcast,
7 photographic, mechanical, electronic, or other medium, disseminates news or
8 information to the public, including a newspaper, magazine, or other periodical; book
9 publisher; news agency; wire service; radio or television station or network; cable or
10 satellite network, service, or carrier; or audio or audiovisual production company;
11 and a parent, subsidiary, division, or affiliate of any of these businesses or
12 organizations.

1 (b) Any person who is or has been engaged in gathering, receiving, preparing,
2 or disseminating news or information to the public for an entity described in par. (a),
3 including any person supervising or assisting the person in gathering, receiving,
4 preparing, or disseminating such news or information.

5 (2) SUBPOENAS ISSUED TO NEWS PERSON. (a) *Prohibition.* Except as provided in
6 par. (b), no person having the power to issue a subpoena may issue a subpoena
7 compelling a news person to testify about or produce or disclose any of the following
8 that is obtained or prepared by the news person in the news person's capacity in
9 gathering, receiving, or preparing news or information for potential dissemination
10 to the public:

11 1. The identity of a confidential source of any news or information.

12 2. Any information that would tend to identify the confidential source of any
13 news or information.

14 3. Any news or information obtained or prepared in confidence by the news
15 person.

16 4. Any news, information, or identity of any source of any news or information
17 that is not described in subd. 1., 2., or 3.

18 (b) *Procedure before courts.* Subject to par. (c), a circuit court may issue a
19 subpoena to compel a news person to testify about or disclose or produce any news,
20 information, or identity of any source as specified in par. (a) 4. if the court finds, after
21 notice to and an opportunity to be heard by the news person that the person
22 requesting the subpoena established, based on information obtained from a person
23 other than the news person, one of the following by clear and convincing evidence:

24 1. In a criminal prosecution or investigation that there are reasonable grounds
25 to believe that a crime has occurred.

1 2. In a civil action or proceeding that the complaint states a claim upon which
2 relief may be granted.

3 (c) A circuit court may issue a subpoena under par. (b) only if all of the following
4 conditions are met:

5 1. The news, information, or identity of the source is highly relevant to the
6 investigation, prosecution, action, or proceeding.

7 2. The news, information, or identity of the source is necessary to the
8 maintenance of a party's claim, defense, or to the proof of an issue material to the
9 investigation, prosecution, action, or proceeding.

10 3. The news, information, or identity of the source is not obtainable from any
11 alternative source for the investigation, prosecution, action, or proceeding.

12 4. There is an overriding public interest in the disclosure of the news,
13 information, or identity of the source.

14 **(3) SUBPOENAS ISSUED TO PERSONS OTHER THAN NEWS PERSONS.** No person having
15 the power to issue a subpoena may issue a subpoena to compel a person other than
16 a news person to testify about or produce or disclose, information, records, or
17 communications relating to a business transaction between that person and the
18 news person if the purpose of the subpoena is to discover any of the items listed in
19 sub. (2) (a) 1. to 3.

20 **(4) DISTRIBUTION.** A disclosure to another person or dissemination to the public
21 of news, information, or the identity of a source as described in sub. (2) (a) 1. to 4. by
22 a news person does not constitute a waiver of the protection from compelled
23 disclosure under sub. (2) or (3).

24 **(5) INADMISSIBILITY.** Any news, information, records, communications, or the
25 identity of a source of any news or information obtained in violation of this section

1 are inadmissible for any purpose in any judicial, legislative, or administrative action,
2 proceeding, or hearing.

3 **SECTION 2. Initial applicability.**

4 (1) This act first applies to subpoenas issued on the effective date of this
5 subsection.

6 (END)



State of Wisconsin
2009 - 2010 LEGISLATURE

LRBa0676/1
MGG:bjk:ph

**ASSEMBLY AMENDMENT 1,
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2009 ASSEMBLY BILL 333**

September 17, 2009 - Offered by Representatives KESSLER and PARISI.

AA 1

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 1, line 7: after "disseminates" insert "on a regular and consistent
3 basis".

4 (END)