

State of Misconsin 2009 – 2010 LEGISLATURE

## ASSEMBLY AMENDMENT 2, TO ASSEMBLY SUBSTITUTE AMENDMENT 1, TO 2009 ASSEMBLY BILL 333

September 22, 2009 – Offered by Representatives GUNDRUM, Vos and ZIPPERER.

1	At the locations indicated, amend the substitute amendment as follows:
2	<b>1.</b> Page 2, line 6: after "(b)" insert "and sub. (3m)".
3	<b>2.</b> Page 3, line 14: delete "No" and substitute "Except as provided in sub. (3m),
4	no".
5	<b>3.</b> Page 3, line 19: after that line insert:
6	"(3m) SUBPOENAS ISSUED FOR LIBEL OR SLANDER. The prohibition against issuing
7	a subpoena under sub. (2) or (3) does not apply to a subpoena issued by a circuit court
8	if all of the following conditions are met:
9	(a) The subpoena is issued in an action against a news person for libel or
10	slander, and the complaint states a claim upon which relief may be granted.
11	(b) The news, information, or identity of the source is highly relevant to the
12	action.

1 (c) The news, information, or identity of the source is necessary to the 2 maintenance of a party's claim or defense or to the proof of an issue material to the 3 action.

- 4 (d) The news, information, or identity of the source is not obtainable from any
  5 alternative source for the action.".
- 6

(END)