

*Sen. J. D. ...*

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SENATE FILE 2219  
BY LIND

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to privileged information obtained by reporters,  
2 and providing a civil remedy for disclosure under appropriate  
3 circumstances.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 2219

1 Section 1. NEW SECTION. 669.1 DEFINITIONS.

2 As used in this chapter:

3 1. "News medium" means a newspaper or other periodical,  
4 news service, radio station, television station, community  
5 antenna television service, or a person or corporation engaged  
6 in the making of newsreels or other motion picture news for  
7 public showing.

8 2. "Reporter" means a person regularly engaged in the  
9 business of collecting, writing, or editing news for  
10 publication through a news medium, and includes a person who  
11 was a reporter at the time the information sought was procured  
12 or obtained.

13 3. "Source" means the person or means by which the news or  
14 information was obtained.

15 Sec. 2. NEW SECTION. 669.2 SOURCE OF INFORMATION  
16 PRIVILEGED.

17 1. A court shall not compel a person to disclose the  
18 source of any information obtained by a reporter during the  
19 course of the reporter's employment, except as otherwise  
20 provided in this chapter.

21 2. Notwithstanding subsection 1, the privilege conferred  
22 in this section shall not be exercised in a defamation  
23 proceeding in which a reporter or news medium is a defendant  
24 and the source of information is relevant.

25 Sec. 3. NEW SECTION. 669.3 APPLICATION TO COURT.

26 In a case where a person asserts the privilege set forth in  
27 section 669.2, the person seeking the source of information  
28 may file an application in the district court as in other  
29 civil proceedings, seeking an order requiring the person to  
30 divulge the source of information. The application shall  
31 state each of the following:

32 1. The name of the reporter and the news medium which the  
33 reporter was associated with at the time the information was  
34 obtained.

35 2. The specific information sought and its relevance to

1 the proceedings.

2 3. A specific public interest which would be adversely  
3 affected if the information sought is not disclosed.

4 Sec. 4. NEW SECTION. 669.4 FINDINGS BY THE COURT.

5 In consideration of an application filed pursuant to  
6 section 669.3, the court shall consider the nature of the  
7 proceedings, the merits of the claim or defense, the adequacy  
8 of the remedy otherwise available, if any, the relevancy of  
9 the source, and the possibility of obtaining the information  
10 by other means. The court shall grant the application and  
11 issue an order divesting the person of the privilege  
12 established in section 669.2, and requiring the person to  
13 divulge the source of information only if the court finds each  
14 of the following:

15 1. The application contains the items required by section  
16 669.3.

17 2. The information sought does not concern matters or  
18 details in any proceeding required to be kept secret under  
19 state or federal law.

20 3. All other available sources of information have been  
21 exhausted and disclosure of the information is essential to  
22 the public interest.

23 Sec. 5. NEW SECTION. 669.5 AUTOMATIC STAY PENDING  
24 APPEAL.

25 1. Upon the issuance of an order under section 669.4  
26 requiring a person to divulge a source of information, if the  
27 person so ordered files a notice of appeal with the district  
28 court, the order shall be automatically stayed and the  
29 privilege set forth in section 669.2 shall continue to apply  
30 pending appeal. The appellant shall not be required to file a  
31 supersedeas bond in order to enjoy the protection of the  
32 automatic stay.

33 2. The automatic stay provided in subsection 1 shall apply  
34 until all appeals have been exhausted and the time for filing  
35 a petition for further review or a petition for rehearing has

1 expires.

2 Sec. 6. NEW SECTION. 669.6 CONTEMPT OF COURT.

3 Unless the order has been stayed under section 669.5, the  
4 court may compel a person to comply with an order issued  
5 pursuant to this chapter through contempt of court  
6 proceedings.

7 EXPLANATION

8 This bill provides that a reporter's source of information  
9 is privileged, unless the information is sought in a  
10 defamation proceeding and is relevant to the proceeding, or  
11 unless an application to the court is granted requiring  
12 disclosure.

13 The bill provides that a person seeking such information  
14 may file an application in the district court seeking  
15 disclosure. The bill further provides that the application be  
16 granted and the information ordered disclosed, only if the  
17 court finds that the information is needed and not available  
18 through other means, that disclosure is essential to the  
19 public interest, and that the information sought does not  
20 concern matters required to be kept secret under state or  
21 federal law.

22 The bill also requires that any court order compelling  
23 disclosure is automatically stayed upon filing of a notice of  
24 appeal. However, if an appeal is not pending and a person  
25 disobeys such a court order, the court may use contempt  
26 proceedings to compel compliance.

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