

Senate Bill 23

By: Senators Butler of the 55th, Harbison of the 15th, Henson of the 41st, Tate of the 38th,
Sims of the 12th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 5 of Title 24 of the Official Code of Georgia Annotated, relating to
2 privileges, so as to expand the privilege for information obtained by news media for news
3 gathering or dissemination; to repeal conflicting laws; and for other purposes.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

5 style="text-align:center">**SECTION 1.**

6 Chapter 5 of Title 24 of the Official Code of Georgia Annotated, relating to privileges, is
7 amended by revising Code Section 24-5-508, relating to qualified privilege for news
8 gathering or dissemination, as follows:

9 "24-5-508.

10 ~~Any person, company, or other entity engaged in the gathering and dissemination of news~~
11 ~~for the public through any newspaper, book, magazine, radio or television broadcast, or~~
12 ~~electronic means shall have a qualified privilege against disclosure of any information,~~
13 ~~document, or item obtained or prepared in the gathering or dissemination of news in any~~
14 ~~proceeding where the one asserting the privilege is not a party, unless it is shown that this~~
15 ~~privilege has been waived or that what is sought:~~

16 ~~(1) Is material and relevant;~~

17 ~~(2) Cannot be reasonably obtained by alternative means; and~~

18 ~~(3) Is necessary to the proper preparation or presentation of the case of a party seeking~~
19 ~~the information, document, or item.~~

20 (a) As used in this Code section, the term:

21 (1) 'Broadcast' means the act or process of conveying news to the public.

22 (2) 'News' means any knowledge, fact, data, document, report, or recording related to a
23 recent or developing event or an event that is unfamiliar to the public.

24 (3) 'Reporter' means any person engaged in broadcasting.

25 (4) 'Source' means any person who has provided news to a reporter.

26 (b) News procured by a reporter shall be privileged in any proceeding where the one
27 asserting the privilege is not a party, unless it is shown that this privilege has been waived
28 or that what is sought:

29 (1) Is material to a controlling issue not yet determined;

30 (2) Cannot be reasonably obtained by alternative means; and

31 (3) The probative value of the evidence sought substantially outweighs the negative
32 effect of the disclosure of the evidence.

33 (c) A reporter shall not be compelled to disclose in any proceeding any details about a
34 source unless upon motion by a party, the court finds by a preponderance of the evidence
35 at a pretrial hearing or hearing outside the presence of the jury that the evidence sought is:

36 (1) A communication made in the furtherance of a crime, fraud, or tort; and

37 (2) Material to a controlling issue not yet determined.

38 (d) If the court finds that the evidence sought is subject to disclosure pursuant to
39 subsection (b) or (c) of this Code section, the court shall order that such evidence be
40 produced for the court under seal, shall examine the evidence in camera, and may allow
41 disclosure of those portions of the evidence that the court finds are subject to disclosure
42 under this Code section.

43 (e) Any adverse ruling under this Code section shall be directly appealable as provided in
44 Code Section 5-6-34."

45 **SECTION 2.**

46 All laws and parts of laws in conflict with this Act are repealed.