
A BILL FOR AN ACT

RELATING TO EVIDENCE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 621, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§621- Limitation on compellable testimony from
5 journalists and newscasters; exceptions. (a) A journalist or
6 newscaster presently or previously employed by or otherwise
7 professionally associated with any newspaper, magazine, news
8 agency, press association, wire service, or radio or television
9 transmission station or network shall not be required by a
10 legislative, executive, or judicial officer or body, or any
11 other authority having the power to compel testimony or the
12 production of evidence, to disclose, by subpoena or otherwise:

13 (1) The source of any published or unpublished information
14 obtained by the person in the course of gathering,
15 receiving, or processing of information for
16 communication to the public; or

17 (2) Any unpublished information obtained or prepared by
18 the person in the course of gathering, receiving, or



1 processing information for communication to the
2 public.

3 (b) The limitation on compellable testimony established by
4 this section may also be claimed by and afforded to any
5 individual who can credibly establish that the individual has,
6 with respect to the source or information sought, participated
7 in the gathering, preparation, collection, photographing,
8 recording, writing, editing, reporting, or publishing of news or
9 information of substantial public interest for the purpose of
10 dissemination to the general public by means of any tangible or
11 electronic medium.

12 (c) This section shall not apply if:

13 (1) Probable cause exists to believe that the person
14 claiming the privilege has committed, is committing,
15 or is about to commit a crime;

16 (2) The person claiming the privilege is a percipient
17 witness to the alleged commission of a crime;

18 (3) The source consents to the disclosure; or

19 (4) In a non-criminal judicial matter, the party seeking
20 to compel disclosure can show by clear and convincing
21 evidence that the source or information sought is:



1 (A) Unavailable despite exhaustion of all reasonable
2 alternative sources;

3 (B) Noncumulative; and

4 (C) Necessary and relevant to the claim or defense
5 asserted.

6 (d) No fine or imprisonment shall be imposed against a
7 person claiming the privilege pursuant to this section for
8 refusal to disclose information privileged pursuant to this
9 section."

10 SECTION 2. New statutory material is underscored.

11 SECTION 3. This Act shall take effect upon its approval.



Report Title:

Journalists and Newscasters; Disclosure

Description:

Limits compelled disclosure of sources or unpublished information for journalists, newscasters and persons participating in collection or dissemination of news or information of substantial public interest. Establishes exceptions. (HB2557 HD1)

