

FIRST REGULAR SESSION

# HOUSE BILL NO. 762

## 94TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES COOPER (158) (Sponsor) AND ZIMMERMAN (Co-sponsor).

Read 1st time February 6, 2007 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

1626L.01I

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### AN ACT

To amend chapter 492, RSMo, by adding thereto one new section relating to requests for disclosure of certain news media information.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Chapter 492, RSMo, is amended by adding thereto one new section, to be known as section 492.600, to read as follows:

**492.600. 1. This section shall be known and may be cited as the "Premature or Unnecessary Subpoena Prevention Act".**

**2. No judicial, legislative, administrative, or other official body may compel a member of the news media to produce or otherwise disclose information that has not been published or broadcast, including by way of example, notes, drafts, broadcast outtakes, reporter's notes, or other unpublished or unbroadcast photographs, video or audio files, or testimony relating to such unpublished or unbroadcast information, unless the party requesting such information establishes by clear and convincing evidence that:**

**(1) The information sought is highly material and relevant to a significant legal issue before a judicial, legislative, administrative, or other official body;**

**(2) The material requested is critical or necessary to the maintenance of the requesting party's claim or defense; and**

**(3) The requesting party has been unsuccessful in obtaining the information or equivalent proof from any alternative sources after having made full and diligent attempts to do so.**

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EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.