

2A:84A-21 + 2A:84A-21A

LEGISLATIVE HISTORY CHECKLIST

HJSA 2A:84A-21 and 2A:84A-21a (Newspaperman's privilege extend to all news media.)

LAWS OF 1977 CHAPTER 253

Bill No. S322 (S1427-1974)

Sponsor(s) Menza and Russo

Date Introduced Pre-filed

Committee: Assembly Judiciary, Law, Public Safety and Defense

Senate Judiciary

Amended during passage Yes

\* Amendments during passage denoted by asterisk:

Date of Passage: Assembly November 23, 1976

Senate October 7, 1976

Date of approval October 5, 1977

Following statements are attached if available:

Sponsor statement	Yes	<del>X</del>
Committee Statement: Assembly	Yes	<del>X</del>
Senate	Yes	<del>X</del>
Fiscal Note	<del>X</del>	No
Veto Message	<del>X</del>	No
Message on signing	<del>X</del>	No

Following were printed:

Reports	<del>X</del>	No
Hearings	<del>X</del>	No

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APR 1978

9/1/78

SENATE, No. 322

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1976 SESSION

By Senators MENZA and RUSSO

AN ACT to amend and supplement "The Evidence Act, 1960,"  
approved June 20, 1960 (P. L. 1960, c. 52).

1 BE IT ENACTED by the Senate and General Assembly of the State  
2 of New Jersey:

1 1. Section 21 of P. L. 1960, c. 52 (C. 2A:84A-21) is amended to  
2 read as follows:

3 21. Rule 27. Newspaperman's privilege. Subject to Rule 37, a  
4 person engaged on, *engaged in*, connected with, or employed by  
5 **[a newspaper]** news media for the purpose of gathering, pro-  
6 curing, transmitting, compiling, editing or disseminating news for  
7 the general public or on whose behalf news is so gathered, pro-  
8 cured, transmitted, compiled, edited or disseminated has a privilege  
9 to refuse to disclose, in any legal or quasi-legal proceeding or before  
10 any investigative body, including, but not limited to, any court,  
11 grand jury, petit jury, administrative agency, the Legislature or  
12 legislative committee, or elsewhere.

13 a. The source, author, means, agency or person from or through  
14 whom any information **[published in such newspaper]** was pro-  
15 cured, obtained, supplied, furnished, gathered, transmitted, com-  
16 piled, edited, disseminated, or delivered; and

17 b. Any news or information obtained in the course of pursuing  
18 his professional activities whether or not it is disseminated.

19 The provisions of this rule insofar as it relates to radio or tele-  
20 vision stations shall not apply unless the radio or television station  
21 maintains and keeps open for inspection, for a period of at least  
22 1 year from the date of an actual broadcast or telecast, an exact  
23 recording, transcription, kinescopic film or certified written tran-  
24 script of the actual broadcast or telecast.

1 2. (New section) Unless a different meaning clearly appears from  
2 the context of this act, as used in this act:

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

3 a. "News media" means newspapers, magazines, press associa-  
4 tions, news agencies, wire services, radio, television or other similar  
5 printed, photographic, mechanical or electronic means of dissemi-  
6 nating news to the general public.

7 b. "News" means any written, oral or pictorial information  
8 gathered, procured, transmitted, compiled, edited or disseminated  
9 by, or on behalf of any person engaged in, engaged on, connected  
10 with or employed by a news media and so procured or obtained  
11 while such required relationship is in effect.

12 c. "Newspaper" means a paper that is printed and distributed  
13 ordinarily not less frequently than once a week, and has done so  
14 for at least 1 year, and that contains news, articles of opinion,  
15 editorials, features, advertising, or other matter regarded as of  
16 current interest, has a paid circulation and has been entered at a  
17 United States post office as second class matter.

18 d. "Magazine" means a publication containing news which is  
19 published and distributed periodically, and has done so for at least  
20 1 year, has a paid circulation and has been entered at a United  
21 States post office as second class matter.

22 e. "News agency" means a commercial organization that collects  
23 and supplies news to subscribing newspapers, magazines, periodi-  
24 cals and news broadcasters.

25 f. "Press association" means an association of newspapers or  
26 magazines formed to gather and distribute news to its members.

27 g. "Wire service" means a news agency that sends out syndi-  
28 cated news copy by wire to subscribing newspapers, magazines,  
29 periodicals or news broadcasters.

30 h. "In the course of pursuing his professional activities" means  
31 any situation, including a social gathering, in which a reporter  
32 obtains information for the purpose of disseminating it to the  
33 public, but does not include any situation in which a reporter  
34 intentionally conceals from the source the fact that he is a reporter,  
35 and does not include any situation in which a reporter is an  
36 eyewitness to, or participant in, any act involving physical violence  
37 or property damage.

1 3. This act shall take effect immediately.

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#### SPONSORS' STATEMENT

This bill would amend and supplement the "Evidence Act of 1960" by extending the newspaperman's privilege, as defined under section 21, of P. L. 1960, c. 52 (C. 2A:84A-21) to the entire news media. A new supplement to the law defines news media.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 322

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STATE OF NEW JERSEY

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DATED: SEPTEMBER 30, 1976

This bill amends and supplements the "Evidence Act of 1960" (P. L. 1960, c. 52) to extend the newspaperman's privilege to the entire news media. The privilege would not apply to radio or television stations unless they maintain and keep open for inspection, of at least 1 year from the date of broadcast, an exact recording, transcription, kinescopic film or certified written transcript of the actual broadcast or telecast.

The bill also contains a new definition section, which includes definitions of news media.

ASSEMBLY JUDICIARY, LAW, PUBLIC SAFETY  
AND DEFENSE COMMITTEE

STATEMENT TO  
**SENATE, No. 322**  
with Assembly committee amendments

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**STATE OF NEW JERSEY**

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DATED: NOVEMBER 9, 1976

This bill amends and supplements the "Evidence Act of 1960" (P. L. 1960, c. 52) to extend the newspaperman's privilege to the entire news media. The privilege would not apply to radio or television stations unless they maintain and keep open for inspection, of at least 1 year from the date of broadcast, an exact recording, transcription, kinescopic film or certified written transcript of the actual broadcast or telecast.

The bill also contains a new definition section, which includes definitions of news media. For the purpose of clarification, the punctuation on line 12 of section 1 of the bill was changed.

[SECOND OFFICIAL COPY REPRINT]

SENATE, No. 322

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1976 SESSION

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7 the general public or on whose behalf news is so gathered, pro-  
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9 to refuse to disclose, in any legal or quasi-legal proceeding or before  
10 any investigative body, including, but not limited to, any court,  
11 grand jury, petit jury, administrative agency, the Legislature or  
12 legislative committee, or elsewhere\*\*[.]\*\* \*\*\*[\*\*:\*\*]\*\* \*\*\* \*\*

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14 whom any information [published in such newspaper] was pro-  
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17 b. Any news or information obtained in the course of pursuing  
18 his professional activities whether or not it is disseminated.

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24 script of the actual broadcast or telecast.

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3 a. "News media" means newspapers, magazines, press associa-  
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5 printed, photographic, mechanical or electronic means of dissemi-  
6 nating news to the general public.

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9 by, or on behalf of any person engaged in, engaged on, connected  
10 with or employed by a news media and so procured or obtained  
11 while such required relationship is in effect.

12 c. "Newspaper" means a paper that is printed and distributed  
13 ordinarily not less frequently than once a week\*<sup>1</sup>, and has done so  
14 for at least 1 year,<sup>2</sup> and that contains news, articles of opinion,  
15 editorials, features, advertising, or other matter regarded as of  
16 current interest, has a paid circulation and has been entered at a  
17 United States post office as second class matter.

18 d. "Magazine" means a publication containing news which is  
19 published and distributed periodically, <sup>3</sup> and has done so for at  
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22 e. "News agency" means a commercial organization that collects  
23 and supplies news to subscribing newspapers, magazines, periodi-  
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