

Texas Governor Signs Shield Law

By Jeff Nobles

Haynes & Boone, LLP, Houston, Texas

Member, SNPA First Amendment Committee

On May 13, Gov. Rick Perry signed the Texas Free Flow of Information Act, making Texas the 37th state in the nation (along with the District of Columbia) to offer journalists qualified protection for confidential sources. The new law takes immediate effect, and provides a qualified privilege shielding journalists who receive subpoenas from testifying or producing documents obtained in news-gathering.

The law reflects a compromise between Texas prosecutors and media representatives, and includes some exceptions to the privilege.

Generally speaking, in criminal cases, journalists may be compelled to disclose the identity of sources who admit to committing a crime; to testify as witnesses to a crime; or to disclose a confidential source when it is necessary to prevent a likely death or substantial injury. In civil cases, reporters may be compelled to testify or produce their notes only when all reasonable efforts have been exhausted and the information is essential to a party in a lawsuit.

The full text of the new law can be found at <http://www.legis.state.tx.us/tlodocs/81R/billtext/html/HB00670F.htm>.

SNPA eBulletin 5-21-09