

Presented to the governor April 2, 1998

Became law without the governor's signature April 6, 1998

**CHAPTER 357—S.F.No. 1480**

*An act relating to evidence; fixing the conditions for the disclosure of certain information subject to the Minnesota Free Flow of Information Act; amending Minnesota Statutes 1996, sections 595.023; and 595.024, subdivision 2.*

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

Section 1. Minnesota Statutes 1996, section 595.023, is amended to read:

**595.023 DISCLOSURE PROHIBITED.**

Except as provided in section 595.024, no person who is or has been directly engaged in the gathering, procuring, compiling, editing, or publishing of information for the purpose of transmission, dissemination or publication to the public shall be required by any court, grand jury, agency, department or branch of the state, or any of its political subdivisions or other public body, or by either house of the legislature or any committee, officer, member, or employee thereof, to disclose in any proceeding the person or means from or through which information was obtained, or to disclose any unpublished information procured by the person in the course of work or any of the person's notes, memoranda, recording tapes, film or other reportorial data ~~which whether or not it would tend to identify the person or means through which the information was obtained.~~

Sec. 2. Minnesota Statutes 1996, section 595.024, subdivision 2, is amended to read:

Subd. 2. **DISCLOSURE ALLOWED; CONDITIONS.** The application shall be granted only if the court determines after hearing the parties that the person making application, by clear and convincing evidence, has met all three of the following conditions:

(1) that there is probable cause to believe that the ~~source has~~ specific information sought (i) is clearly relevant to a specific violation of the law other than a misdemeanor gross misdemeanor or felony, or (ii) is clearly relevant to a misdemeanor so long as the information would not tend to identify the source of the information or the means through which it was obtained,

(2) that the information cannot be obtained by any alternative means or ~~remedy~~ remedies less destructive of first amendment rights, and

(3) that there is a compelling and overriding interest requiring the disclosure of the information where the disclosure is necessary to prevent injustice.

**Sec. 3. EFFECTIVE DATE.**

This act is effective the day following final enactment.

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New language is indicated by underline, deletions by ~~strikeout~~.