

**595.025 DEFAMATION.**

Subdivision 1. **Disclosure prohibition; applicability.** The prohibition of disclosure provided in section 595.023 shall not apply in any defamation action where the person seeking disclosure can demonstrate that the identity of the source will lead to relevant evidence on the issue of actual malice.

Subd. 2. **Disclosure conditions.** Notwithstanding the provisions of subdivision 1, the identity of the source of information shall not be ordered disclosed unless the following conditions are met:

(a) that there is probable cause to believe that the source has information clearly relevant to the issue of defamation;

(b) that the information cannot be obtained by any alternative means or remedy less destructive of first amendment rights.

Subd. 3. **Determination; appeal.** The court shall make its order on the issue of disclosure after making findings of fact, which order may be appealed to the Court of Appeals according to the Rules of Appellate Procedure. During the appeal the order is stayed and nondisclosure shall remain in full force and effect.

**History:** 1973 c 735 s 5; 1983 c 247 s 205