

**DISTRICT OF COLUMBIA**  
**OFFICIAL CODE**

**TITLE 16.**  
**PARTICULAR ACTIONS, PROCEEDINGS**  
**AND MATTERS.**

**CHAPTER 47.**  
**FREE FLOW OF INFORMATION.**

**2001 Edition**

**DISTRICT OF COLUMBIA OFFICIAL CODE**  
**CHAPTER 47. FREE FLOW OF INFORMATION.**

---

**TABLE OF CONTENTS**

---

[§ 16-4701. Definitions.](#)

[§ 16-4702. Compelled disclosure prohibited.](#)

[§ 16-4703. Compelled disclosure permitted.](#)

[§ 16-4704. Activities not constituting a waiver.](#)

# CHAPTER 47. FREE FLOW OF INFORMATION.

## § 16-4701. DEFINITIONS.

For the purpose of this chapter, the term "news media" means:

- (1) Newspapers;
- (2) Magazines;
- (3) Journals;
- (4) Press associations;
- (5) News agencies;
- (6) Wire services;
- (7) Radio;
- (8) Television; or
- (9) Any printed, photographic, mechanical, or electronic means of disseminating news and information to the public.

(Sept. 26, 1992, D.C. Law 9-156, § 2, 39 DCR 5682.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 16-4701.

#### *Legislative History of Laws*

Law 9-156, the "Free Flow of Information Act of 1992," was introduced in Council and assigned Bill No. 9-255, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on June 2, 1992, and July 7, 1992, respectively. Signed by the Mayor on July 21, 1992, it was assigned Act No. 9-249 and transmitted to both Houses of Congress for its review. D.C. Law 9-156 became effective on September 26, 1992.

## § 16-4702. COMPELLED DISCLOSURE PROHIBITED.

Except as provided in section 16-4703, no judicial, legislative, administrative, or other body with the power to issue a subpoena shall compel any person who is or has been employed by the news media in a news gathering or news disseminating capacity to disclose:

- (1) The source of any news or information procured by the person while employed by the news media and acting in an official news gathering capacity, whether or not the source has been promised confidentiality; or
- (2) Any news or information procured by the person while employed by the news media in the course of pursuing professional activities that is not itself communicated in the news media, including any:
  - (A) Notes;
  - (B) Outtakes;
  - (C) Photographs or photographic negatives;
  - (D) Video or sound tapes;
  - (E) Film; or
  - (F) Other data, irrespective of its nature, not itself communicated in the news media.

(Sept. 26, 1992, D.C. Law 9-156, § 2, 39 DCR 5682; July 25, 1995, D.C. Law 11-30, § 4, 42 DCR 1547.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 16-4702.

*Legislative History of Laws*

For legislative history of D.C. Law 9-156, see Historical and Statutory Notes following § 16-4701.

Law 11-30, the "Technical Amendments Act of 1995," was introduced in Council and assigned Bill No. 11-58, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on February 7, 1995, and March 7, 1995, respectively. Signed by the Mayor on March 22, 1995, it was assigned Act No. 11-32 and transmitted to both Houses of Congress for its review. D.C. Law 11-30 became effective on July 25, 1995.

**§ 16-4703. COMPELLED DISCLOSURE PERMITTED.**

(a) A court may compel disclosure of news or information otherwise protected from disclosure under section 16-4702(2) if the court finds that the party seeking the news or information established by clear and convincing evidence that:

- (1) The news or information is relevant to a significant legal issue before a judicial, legislative, administrative, or other body that has the power to issue a subpoena;
- (2) The news or information could not, with due diligence, be obtained by any alternative means; and
- (3) There is an overriding public interest in the disclosure.

(b) A court may not compel disclosure of the source of any information protected under section 16-4702.

(Sept. 26, 1992, D.C. Law 9-156, § 2, 39 DCR 5682.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 16-4703.

*Legislative History of Laws*

For legislative history of D.C. Law 9-156, see Historical and Statutory Notes following § 16-4701.

**§ 16-4704. ACTIVITIES NOT CONSTITUTING A WAIVER.**

The publication by the news media or the dissemination by a person employed by the news media of a source of news or information, or a portion of the news or information, procured while pursuing professional activities shall not constitute a waiver of the protection from compelled disclosure that is contained in section 16-4702.

(Sept. 26, 1992, D.C. Law 9-156, § 2, 39 DCR 5682.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 16-4704.

*Legislative History of Laws*

For legislative history of D.C. Law 9-156, see Historical and Statutory Notes following § 16-4701.