

**SENATE BILL REPORT**

**SHB 1567**

**AS OF FEBRUARY 11, 1994**

**Brief Description:** Authorizing interpreters for jurors in judicial proceedings.

**SPONSORS:** House Committee on Judiciary (originally sponsored by Representatives H. Myers, Johanson, Chappell, Riley, Ballasiotes, Ludwig, Appelwick, Tate, Jones, Quall and Wineberry)

**HOUSE COMMITTEE ON JUDICIARY**

**SENATE COMMITTEE ON LAW & JUSTICE**

**Staff:** Susan Mahoney (786-7717)

**Hearing Dates:** February 16, 1994

**BACKGROUND:**

Speech or hearing impaired individuals are often called for jury service. When a potential speech or hearing impaired juror is otherwise qualified to serve, the courts have appointed a court qualified interpreter to assist the juror in the performance of his or her duties. Questions have arisen as to who should pay for the interpreter and whether an interpreter may continue to assist a juror throughout the confidential jury deliberation process.

Interpreters for witnesses and defendants are appointed and paid by the court when needed. Jurors play a vital role in the court process and there is concern that a speech or hearing impaired juror should not be denied the opportunity to serve solely on the basis of such an impairment. The federal Americans With Disabilities Act probably requires interpreters be made available at no expense to a speech or hearing impaired juror if the juror is otherwise qualified to serve.

Confidential deliberations are an important part of the jury system. There is concern that allowing an interpreter to assist a juror during deliberations violates this process. Under current provisions, an interpreter must meet several requirements before qualifying to serve as a court appointed interpreter. Once qualified, an interpreter must take an oath to follow the instructions of the court and to accurately interpret the proceedings. Current provisions do not specifically contemplate interpreters appointed to assist jurors, and consequently do not address an interpreter's obligation to respect the confidentiality of jury deliberations.

**SUMMARY:**

A court may appoint an interpreter to assist a speech or hearing impaired juror throughout the entire trial process including deliberations.

Every interpreter must take an oath to follow the instructions of the court and to not disclose, except as is necessary to interpret the proceeding, anything that a juror has said or how a juror has voted. Provisions regarding the presence and role of interpreters in grand jury proceedings are amended to reflect the same requirements.

The court must appoint and pay for an interpreter to assist a speech or hearing impaired juror if that juror is otherwise qualified to serve.

**Appropriation:** none

**Revenue:** none

**Fiscal Note:** requested February 15, 1994