

As Engrossed: 3/1/94

1 **State of Arkansas**
2 **79th General Assembly**
3 **First Extraordinary Session, 1994**
4 **By: Senator Beebe**

A Bill

ACT 4 OF 1994
SENATE BILL 4

For An Act To Be Entitled

8 "AN ACT TO REPEAL THE PROVISIONS OF THE ARKANSAS CODE
9 WHICH DISQUALIFY FROM JURY DUTY PERSONS WITH HEARING
10 IMPAIRMENT, SIGHT IMPAIRMENT, OR MENTAL DISABILITIES."

Subtitle

13 "TO REPEAL THE PROVISIONS OF THE
14 ARKANSAS CODE WHICH DISQUALIFY FROM JURY
15 DUTY PERSONS WITH HEARING IMPAIRMENT,
16 SIGHT IMPAIRMENT, OR MENTAL
17 DISABILITIES."

18
19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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21 SECTION 1. Arkansas Code 16-31-102 is amended to read as follows:

22 "16-31-102. Disqualifications. (a) The following are disqualified to
23 act as grand or petit jurors:

24 (1) Persons who do not meet the qualifications of §16-31-101;

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26 (2) Persons who are unable to speak or understand the English
27 language;

28 (3) Persons who are unable to read or write the English
29 language, except that the circuit judge, in the exercise of his discretion,
30 may waive these requirements when the persons are otherwise found to be
31 capable of performing the duties of jurors;

32 (4) Persons who have been convicted of a felony and have not
33 been pardoned;

34
35 (5) Persons who are not of good character or approved integrity,
36 are lacking in sound judgment or reasonable information, are intemperate, or

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1 are not of good behavior;

2 (6) Persons who, by reason of a physical or mental
3 disability, are unable to render satisfactory jury service; except that no
4 person shall be disqualified solely on the basis of loss of hearing or sight
5 in any degree.

6 (b) Except by the consent of all the parties, no person shall serve as
7 a petit juror in any case who:

8 (1) Is related to any party or attorney in the cause within the
9 fourth degree of consanguinity or affinity;

10 (2) Is expected to appear as a witness or has been summoned to
11 appear as a witness in the cause;

12 (3) Has formed or expressed an opinion concerning the matter in
13 controversy which may influence his judgment;

14 (4) May have a material interest in the outcome of the case;

15 (5) Is biased or prejudiced for or against any party to the cause
16 or is prevented by any relationship or circumstance from acting impartially;
17 or

18 (6) Was a petit juror in a former trial of the cause or of
19 another case involving any of the same questions of fact.

20 (c) Nothing in this section shall limit a court's discretion and
21 obligation to strike jurors for cause for any reason other than solely because
22 of sight or hearing impairment."
23

24 SECTION 2. (a) The state, through the Administrative Office of the
25 Courts, shall provide, and pay the cost of reasonable services of, a qualified
26 interpreter for the hearing impaired or reader for the visually impaired when
27 necessary to enable persons with those disabilities to act as a venireperson
28 or juror. The interpreter, or reader when necessary, shall be present
29 throughout jury service, the trial, and when the jury assembles for
30 deliberation.

31 (b) The court shall instruct the interpreter for the hearing impaired
32 *to make a true and complete translation of all testimony and other relevant*
33 *colloquy to the deaf juror to the best of his ability.* The court shall
34 further instruct the interpreter to refrain from participating in any manner
35 in the deliberations of the jury except for the *complete* translations of

1 jurors_ remarks made during deliberations.

2 (c) The verdict of the jury shall be valid notwithstanding the
3 presence of the interpreter during deliberations.

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5 SECTION 3. All provisions of this act of a general and permanent nature
6 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
7 Revision Commission shall incorporate the same in the Code.

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9 SECTION 4. If any provision of this act or the application thereof to
10 any person or circumstance is held invalid, such invalidity shall not affect
11 other provisions or applications of the act which can be given effect without
12 the invalid provision or application, and to this end the provisions of this
13 act are declared to be severable.

14

15 SECTION 5. All laws and parts of laws in conflict with this act are
16 hereby repealed.

17

18 SECTION 6. EMERGENCY. It is hereby found and determined by the General
19 Assembly that Arkansas Code 16-31-102 disqualifies from acting as a juror any
20 person who is mentally retarded or insane, and any person whose sense of
21 hearing or seeing is substantially impaired; this act eliminates those
22 disqualifications and in their place disqualifies from jury service persons
23 who by reason of a physical or mental disability are unable to render jury
24 services, with the exception that no person may be disqualified solely on the
25 basis of loss of hearing or sight; this modification to Arkansas Code 16-31-
26 102 will bring Arkansas law into compliance with federal law; and this act
27 should go into effect immediately in order to allow those persons to begin
28 serving as grand or petit jurors as soon as possible. Therefore, an emergency
29 is hereby declared to exist, and this act being immediately necessary for the
30 preservation of the public peace, health, and safety shall be in full force
31 and effect from and after its passage and approval.

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/s/Mike Beebe

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APPROVED: 3-3-94

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