

1 **State of Arkansas**
2 **80th General Assembly**
3 **Regular Session, 1995**
4 **By: Senator Beebe**

A Bill

ACT 897 OF 1995
SENATE BILL 749

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE ANNOTATED 16-31-108 TO
9 PROVIDE FOR ADDITIONAL AUXILIARY AIDS FOR PERSONS WITH
10 HEARING IMPAIRMENTS WHO ARE CALLED FOR JURY SERVICE; AND
11 FOR OTHER PURPOSES."

Subtitle

14 "TO PROVIDE FOR ADDITIONAL AUXILIARY
15 AIDS FOR PERSONS WITH HEARING
16 IMPAIRMENTS WHO ARE CALLED FOR JURY
17 SERVICE"

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

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21 SECTION 1. Arkansas Code Annotated 16-31-108 is amended to read as
22 follows:

23 "16-31-108. Interpreters for visually or hearing impaired jurors.

24 (a) The state, through the Administrative Office of the Courts, shall
25 provide, and pay the cost of reasonable accommodations for the hearing and
26 visually impaired when necessary to enable a person with those disabilities to
27 act as a venireperson or juror. Such accommodations may include a qualified
28 sign language interpreter, real-time captioning, or other reasonable auxiliary
29 aid for the hearing impaired or a reader for the visually impaired. In the
30 event the juror indicates that he or she can be accommodated by several means,
31 the Administrative Office of the Courts may consider the cost and availability
32 of each accommodation when deciding which to provide. The interpreter, the
33 person writing real-time captioning and/or reader, when necessary, shall be
34 present throughout jury service, the trial, and when the jury assembles for
35 deliberation.

36 (b) Whenever a sign language interpreter, real-time captioning, or a

1 reader is utilized in judicial proceedings or in jury deliberations, the court
2 will administer an oath to the interpreter, the person writing the real-time
3 captioning, and/or the reader, to ensure objective and unbiased translation
4 and complete confidentiality of the proceedings. The court shall also
5 instruct the interpreter, the person writing the real-time captioning, and/or
6 the reader to make a true and complete translation of all testimony and other
7 relevant colloquy to the best of his ability. The court shall further
8 instruct the interpreter, the person writing the real-time captioning, and/or
9 the reader to refrain from participating in any manner in the deliberations of
10 the jury, except for the complete translations of jurors' remarks made during
11 deliberations.

12 (c) The verdict of the jury shall be valid notwithstanding the presence
13 of the interpreter during deliberations."

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15 SECTION 2. All provisions of this act of a general and permanent nature
16 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
17 Revision Commission shall incorporate the same in the Code.

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19 SECTION 3. If any provision of this act or the application thereof to
20 any person or circumstance is held invalid, such invalidity shall not affect
21 other provisions or applications of the act which can be given effect without
22 the invalid provision or application, and to this end the provisions of this
23 act are declared to be severable.

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25 SECTION 4. All laws and parts of laws in conflict with this act are
26 hereby repealed.

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28 SECTION 5. EMERGENCY. It is hereby found and determined by the General
29 Assembly of the State of Arkansas that this act authorizes necessary
30 additional auxiliary aids for persons with hearing impairments who are called
31 for jury duty; this modification to Arkansas Code 16-31-108 is necessary to
32 enable persons with hearing impairments to serve on Arkansas juries; and this
33 act should go into effect immediately in order to allow for those
34 accommodations as soon as possible. Therefore, an emergency is hereby
35 declared to exist and this act being necessary for the immediate preservation

1 of the public peace, health, and safety, shall be in full force and effect
2 from and after its passage and approval.

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APPROVED: 4-4-95

