

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

A Bill

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"

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

22 SECTION 1. Arkansas Code Annotated 16-31-108 is amended to read as 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
27 to act as a venireperson or juror. Such accommodations may include a
28 qualified sign language interpreter, real-time captioning, or other
29 reasonable auxiliary aid for the hearing impaired or a reader for the
30 visually impaired. In the event the juror indicates that he or she can be
31 accommodated by several means, the Administrative Office of the Courts may
32 consider the cost and availability of each accommodation when deciding which
33 to provide. The interpreter, the person writing real-time captioning and/or
34 reader, when necessary, shall be present throughout jury service, the trial,
35 and when the jury assembles for deliberation.

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

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

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

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

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

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

1 declared to exist and this act being necessary for the immediate preservation
2 of the public peace, health, and safety, shall be in full force and effect
3 from and after its passage and approval.

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