

Enrolled Senate Bill 270

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CHAPTER

AN ACT

Relating to jurors with disabilities; amending ORS 10.115; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 10.115 is amended to read:

10.115. (1) As used in this section:

(a) "Assistive communication device" means any equipment designed to facilitate communication by a [disabled] person **with a disability**.

(b) "[Disabled] Juror **with a disability**" means a person who is hearing or speech impaired, who is summoned to serve as a juror and whose name is drawn for grand jury or trial jury service.

(c) "Qualified interpreter" means a person who is readily able to communicate with a [disabled] juror **with a disability**, accurately communicate the proceedings to the juror and accurately repeat the statements of the juror.

(2) The court to which a [disabled] juror **with a disability** is summoned, upon written request by the juror and upon a finding by the court that the juror requires the services of a qualified interpreter or the use of an assistive communication device in examination of the juror as to the juror's qualifications to act as a juror or in performance by the juror of the functions of a juror, shall appoint a qualified interpreter for the juror and shall fix the compensation and expenses of the interpreter and shall provide an appropriate assistive communication device if needed. The compensation and expenses of an interpreter so appointed and the cost of any assistive communication device shall be paid by the public authority required to pay the fees due to the juror.

(3) An oath or affirmation shall be administered to a qualified interpreter appointed for a [disabled] juror **with a disability**, in substance that the interpreter will accurately communicate the proceedings to the juror and accurately repeat the statements of the juror.

(4) [Except as provided in subsection (5) of this section,] A qualified interpreter appointed for a [disabled] juror **with a disability, or a person operating an assistive communication device for a juror with a disability**, shall be present during deliberations by the jury on which the juror serves. [The interpreter shall] **An interpreter or person operating an assistive communication device may** not participate in the jury deliberations in any manner except to facilitate communication between the [disabled] juror **with a disability** and the other jurors or other persons with whom the jurors may communicate, and the court shall so instruct the jury and the interpreter.

(5) When a [disabled] juror **with a disability** serves on a trial jury [each party to the proceeding shall stipulate to the presence of the qualified interpreter appointed for the juror during jury deliberations]

ations, and shall prepare and deliver to the court proposed instructions in respect to the interpreter], the court shall instruct the jury on the presence of the qualified interpreter or person operating an assistive communication device.

SECTION 2. This 2007 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect on its passage.

Passed by Senate February 19, 2007

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Secretary of Senate

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President of Senate

Passed by House April 12, 2007

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Speaker of House

Received by Governor:

.....M.,....., 2007

Approved:

.....M.,....., 2007

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Governor

Filed in Office of Secretary of State:

.....M.,....., 2007

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Secretary of State