

# Senate Bill 270

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## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires that person operating assistive communication device for juror with disability be present during jury deliberations. Prohibits person operating assistive communication device from participating in jury deliberations.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to jurors with disabilities; amending ORS 10.115; and declaring an emergency.

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

4 **SECTION 1.** ORS 10.115 is amended to read:

5 10.115. (1) As used in this section:

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

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

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

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

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

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

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 whom the jurors may communicate, and the court shall so instruct the jury and the interpreter.

2 (5) When a [*disabled*] juror **with a disability** serves on a trial jury [*each party to the proceeding*  
3 *shall stipulate to the presence of the qualified interpreter appointed for the juror during jury deliber-*  
4 *ations, and shall prepare and deliver to the court proposed instructions in respect to the interpreter*],  
5 **the court shall instruct the jury on the presence of the qualified interpreter or person op-**  
6 **erating an assistive communication device.**

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

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