

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 134

Short Title: Hearing Impaired Serve on Jury.

(Public)

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Sponsors: Senators Odom, Rauch, Hunt of Moore; Bryan, Daniel, Johnson of Cabarrus, Shaw, Simpson, and Smith.

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Referred to: Judiciary III.

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February 8, 1989

A BILL TO BE ENTITLED

AN ACT TO ALLOW HEARING IMPAIRED PERSONS TO SERVE ON JURIES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 9-3 reads as rewritten:

**"§ 9-3. Qualifications of prospective jurors.**

All persons are qualified to serve as jurors and to be included on the jury list who are citizens of the State and residents of the county, who have not served as jurors during the preceding two years, who are 18 years of age or over, who are physically and mentally competent, who can hear and understand the English language, who have not been convicted of a felony or pleaded guilty or **nolo contendere** to an indictment charging a felony (or if convicted of a felony or having pleaded guilty or **nolo contendere** to an indictment charging a felony have had their citizenship restored pursuant to law), and who have not been adjudged **non compos mentis**. No person shall be disqualified from jury service solely because of a hearing impairment in any degree. Persons not qualified under this section are subject to challenge for cause."

Sec. 2. G.S. 9-15 is amended by adding a new subsection to read:

"(d) A hearing impairment may be grounds for challenge for cause if the court is satisfied that the challenged person is incapable of performing the duties of a juror in a particular action without prejudice to the substantial rights of the challenging party."

Sec. 3. G.S. 8B-2(a) reads as rewritten:

"(a) When a deaf person is a party to or to, a witness in in, or a juror in any civil or criminal proceeding-proceedings in any superior or district court of the State, including juvenile proceedings, special proceedings, and proceedings before the magistrate, the

1 court shall appoint a qualified interpreter to interpret the proceedings to the deaf person  
2 and to interpret the deaf person's testimony, if any."

3           Sec. 4. G.S. 8B-7 reads as rewritten:

4 **"§ 8B-7. Oath.**

5           Before acting, an interpreter shall take an oath or affirmation that he will make a true  
6 interpretation in an understandable manner of the proceedings to the person for whom  
7 he is appointed and that he will convey the statements of the person in the English  
8 language to the best of his skill and ~~judgment~~-judgment and, if interpreting for a hearing  
9 impaired juror, that he will refrain from participating in any manner in the deliberations  
10 of the jury other than in his role as interpreter; and that he will refrain from having  
11 communications with anyone outside the jury concerning the matters before the jury."

12           Sec. 5. This act is effective upon ratification.