

FILED FEB 21 1989

HOUSE JUD. LAW

SENATE FILE

254

DO PASS 4489 (p. 1139)

COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 77)

Passed Senate, Date 2-28-89 (p. 551) Passed House, Date _____

Vote: Ayes 48 Nays 1 Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to the appointment of an interpreter for a
2 hearing impaired person and providing a penalty.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 254

1 Section 1. Section 622B.2, Code 1989, is amended to read
2 as follows:

3 622B.2 INTERPRETER APPOINTED.

4 1. If a hearing impaired person is a party to, or a
5 witness at, a proceeding before a grand jury, court, or
6 administrative agency of this state, the court or
7 administrative agency shall appoint an interpreter without
8 expense to the hearing impaired person to interpret or
9 translate the proceedings to the hearing impaired person and
10 to interpret or translate the person's testimony unless the
11 hearing impaired person waives the right to an interpreter.

12 2. If a hearing impaired person is impaneled for jury
13 duty, the court shall appoint an interpreter to interpret or
14 translate the proceedings and jury deliberations to the
15 hearing impaired person and to interpret or translate the
16 person's comments to the other jurors or to an appropriate
17 officer of the court or both. The interpreter shall be
18 appointed without expense to the hearing impaired person.

19 Sec. 2. Section 804.31, unnumbered paragraph 1, Code 1989,
20 is amended to read as follows:

21 When a person is detained for questioning or arrested for
22 an alleged violation of a law or ordinance and there is reason
23 to believe that the person is hearing impaired, the peace
24 officer making the arrest or taking the person into custody or
25 any other officer detaining the person shall determine if the
26 person is a hearing impaired person as defined in section
27 622B.1. If the officer so determines, the officer, at the
28 earliest possible time and prior to commencing any custodial
29 interrogation of the person, shall procure a qualified
30 interpreter in accordance with section 622B.2 and the rules
31 adopted by the supreme court under section 622B.1 unless the
32 hearing impaired person knowingly, voluntarily, and
33 intelligently waives the right to an interpreter in writing by
34 executing a form prescribed by the department of human rights
35 and the Iowa county attorneys association. The interpreter

1 shall interpret the officer's warnings of constitutional
2 rights and protections and all other warnings, statements, and
3 questions spoken or written by any officer, attorney, or other
4 person present and all statements and questions communicated
5 in sign language by the hearing impaired person. A violation
6 of a hearing impaired person's right to a qualified
7 interpreter when detained for questioning or arrested
8 constitutes a simple misdemeanor.

9 EXPLANATION

10 This bill requires a court to appoint an interpreter for a
11 hearing impaired person impaneled for jury duty. The bill
12 also provides that a violation of a hearing impaired person's
13 right to an interpreter, upon the person's detention or
14 arrest, constitutes a simple misdemeanor.

15 Similar to proposed department of human services/division
16 of deaf services bills.

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VARN, CH.
CARR
HESTER

SSB 77

JUDICIARY

Now

SENATE FILE

254

BY (PROPOSED COMMITTEE ON
JUDICIARY BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
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