

**CHAPTER 1264**  
**INTERPRETERS FOR HEARING IMPAIRED PERSONS**  
*H.F. 2447*

**AN ACT** relating to the providing of interpreters for hearing impaired persons.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. **NEW SECTION. 804.31 ARREST OF HEARING IMPAIRED PERSONS—USE OF INTERPRETERS.** When a hearing impaired person, as defined in section 622B.1, subsection 1, paragraph "a" is brought in for questioning or arrested for an alleged violation of a criminal law, including a local ordinance, the peace officer making the arrest or that officer's superior shall procure at the earliest possible time, unless the hearing impaired person waives the right in writing, and the waiver was made knowingly, voluntarily, and intelligently, a qualified interpreter in accordance with section 622B.2 and the rules adopted by the supreme court as required in section 622B.1, subsection 2. The interpreter shall interpret the Miranda warning, notification of rights, the interrogation proceedings, other questioning or arrest procedures, and all statements made by the hearing impaired person. This section does not prohibit a law enforcement agency from conducting a preliminary screening test pursuant to section 321B.3 prior to the arrival of a qualified interpreter.

If otherwise eligible for release, the hearing impaired person shall not be held in custody only to await the arrival of a qualified interpreter.

An answer, statement, or admission, oral or written, made by a hearing impaired person in reply to a question of a law enforcement officer or any other person having a prosecutorial function in a criminal proceeding is not admissible in court and shall not be used against the hearing impaired person if that answer, statement, or admission was not made or elicited through a qualified interpreter, unless the hearing impaired person waives this exclusion in writing, and the waiver was made knowingly, voluntarily, and intelligently. In the event of a waiver, the court shall make a special finding to determine if the waiver and any subsequent answer, statement, or admission made by the hearing impaired person was made knowingly, voluntarily, and intelligently.

When communication to any person pursuant to this section occurs through an interpreter, all questions or statements and responses thereto shall be relayed through the interpreter. The role of the interpreter is to facilitate communication between the hearing and hearing impaired parties. An interpreter shall not be compelled to answer any question or respond to any statement that serves to violate that role at the time of questioning or arrest or at any subsequent administrative or judicial proceeding.

Approved May 11, 1984