

CHAPTER 550

S.B. No. 249

AN ACT

relating to service on a jury by a deaf person.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Subchapter B, Chapter 62, Government Code, is amended by adding Section 62.1041 to read as follows:

*Sec. 62.1041. DISQUALIFICATION FOR DEAFNESS. (a) A deaf person is not disqualified to serve as a juror solely because of deafness except as provided by this section.*

*(b) A deaf person is disqualified to serve as a juror if, in the opinion of the court, his deafness renders him unfit to serve as a juror in that particular case.*

*(c) In this section, "deaf person" has the meaning given by Section 21.001, Civil Practice and Remedies Code.*

SECTION 2. Subsection (a), Section 21.002, Civil Practice and Remedies Code, is amended to read as follows:

(a) In a civil case or in a deposition, a deaf person who is a party or witness is entitled to have the proceedings interpreted by a court-appointed interpreter. *A deaf person who*

*is a juror in any case is entitled to have the proceedings interpreted by a court-appointed interpreter.*

SECTION 3. Section 21.005, Civil Practice and Remedies Code, is amended to read as follows:

Sec. 21.005. OATH. (a) The interpreter shall take an oath that the interpreter will:

(1) make a true interpretation to the deaf person of all the case proceedings in a language that the deaf person understands; and

(2) repeat the deaf person's answers to questions to counsel, court, or jury in the English language, using the interpreter's best skill and judgment.

(b) *An interpreter appointed for a juror shall also take an oath that the interpreter will not:*

(1) *participate in any manner in the deliberations of the jury;*

(2) *communicate with any member of the jury regarding the deliberation of the jury except a literal translation of a juror's remarks made during deliberations; or*

(3) *disclose any of the deliberations with any person following a verdict.*

SECTION 4. Subchapter A, Chapter 21, Civil Practice and Remedies Code, is amended by adding Section 21.009 to read as follows:

Sec. 21.009. JURY DELIBERATIONS; VERDICT. (a) *The interpreter appointed for a juror may be present and assist the juror during the jury deliberation.*

(b) *The presence of the interpreter during jury deliberations does not affect the validity of a verdict.*

SECTION 5. (a) This Act takes effect September 1, 1987.

(b) This Act applies to jury service performed beginning on or after the effective date of this Act.

SECTION 6. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed the Senate on May 18, 1987, by a viva-voce vote. Passed the House on May 29, 1987, by a non-record vote.

Approved June 18, 1987.

Effective Sept. 1, 1987.