

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 879
Committee Substitute Favorable 5/1/89

Short Title: Hearing/Sight Impaired Jurors.

(Public)

Sponsors:

Referred to:

March 27, 1989

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW HEARING IMPAIRED PERSONS AND VISUALLY
3 IMPAIRED PERSONS TO SERVE ON JURIES.

4 The General Assembly of North Carolina enacts:

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

6 "**§ 9-3. Qualifications of prospective jurors.**

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

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

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

21 Sec. 3. G.S. 9-3 as rewritten by Section 1 of this act reads as rewritten:

22 "**§ 9-3. Qualifications of prospective jurors.**

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

11 Sec. 4. G.S. 9-15(d) as added by Section 2 of this act reads as rewritten:

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

16 Sec. 5. G.S. 8B-2(a) reads as rewritten:

17 "(a) When a deaf person is a party ~~to or to,~~ a witness ~~in in,~~ or a juror in any civil or
18 criminal ~~proceeding proceedings~~ in any superior or district court of the State, including
19 juvenile proceedings, special proceedings, and proceedings before the magistrate, the
20 court shall appoint a qualified interpreter to interpret the proceedings to the deaf person
21 and to interpret the deaf person's testimony, if any."

22 Sec. 6. G.S. 8B-7 reads as rewritten:

23 "**§ 8B-7. Oath.**

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

31 Sec. 7. Within 30 days after ratification of this act, the President of the
32 Senate and the Speaker of the House of Representatives shall request the Supreme Court
33 of North Carolina to issue an advisory opinion on the constitutionality of Sections 3
34 through 6 of this act.

35 Sec. 8. Sections 1, 2, and 7 of this act are effective upon ratification.
36 Sections 3 through 6 of this act shall become effective 30 days from the date the
37 Supreme Court of North Carolina renders an advisory opinion on the constitutionality of
38 those sections unless that opinion states that those sections are unconstitutional in which
39 event those sections shall not become effective. If the Supreme Court declines to issue
40 an advisory opinion on the constitutionality of Sections 3 through 6 of this act, then
41 those sections shall become effective July 1, 1990.