

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 879

Committee Substitute Favorable 5/1/89

Judiciary III Senate Committee Substitute Adopted 6/6/89

Short Title: Hearing/Sight Impaired Jurors.

(Public)

Sponsors:

Referred to:

March 27, 1989

A BILL TO BE ENTITLED

AN ACT TO ALLOW HEARING IMPAIRED PERSONS AND VISUALLY 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 visual 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 visual 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. 9-3 as rewritten by Section 1 of this act reads as rewritten:

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

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

37 Sec. 8. Each clerk of superior court shall report to the Administrative Office  
38 of the Courts the file number and name of any case in which a hearing or sight impaired  
39 juror serves from the date of ratification through July 1, 1993.

40 Sec. 9. Sections 1, 2, 7, and 8 of this act are effective upon ratification.  
41 Sections 3 through 6 of this act shall become effective 30 days from the date the  
42 Supreme Court of North Carolina renders an advisory opinion on the constitutionality of  
43 those sections unless that opinion states that those sections are unconstitutional in which  
44 event those sections shall not become effective. If the Supreme Court declines to issue

1 an advisory opinion on the constitutionality of Sections 3 through 6 of this act, then  
2 those sections shall become effective July 1, 1990. The provisions of this act shall  
3 expire July 1, 1993.