
HOUSE BILL 1567

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By Representatives H. Myers, Johanson, Chappell, Riley, Ballasiotes, Ludwig, Appelwick, Tate, Jones, Quall and Wineberry

Read first time 02/01/93. Referred to Committee on Judiciary.

1 AN ACT Relating to interpreters for hearing or speech impaired
2 jurors; amending RCW 2.42.050, 2.42.120, 10.27.070, and 10.27.080;
3 adding a new section to chapter 2.36 RCW; and adding a new section to
4 chapter 4.44 RCW.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 2.36 RCW
7 to read as follows:

8 If the court has appointed an interpreter for a hearing or speech
9 impaired juror, the interpreter shall assist the juror throughout the
10 proceedings including jury deliberation proceedings. The court shall
11 swear the interpreter not to disclose, except as is necessary to
12 interpret the proceedings, anything that any juror has said or how a
13 juror has voted.

14 NEW SECTION. **Sec. 2.** A new section is added to chapter 4.44 RCW
15 to read as follows:

16 If the court has appointed an interpreter for a hearing or speech
17 impaired juror, the interpreter shall assist the juror throughout the
18 proceedings including jury deliberation proceedings. The court shall

1 swear the interpreter not to disclose, except as is necessary to
2 interpret the proceedings, anything that any juror has said or how a
3 juror has voted.

4 **Sec. 3.** RCW 2.42.050 and 1989 c 358 s 14 are each amended to read
5 as follows:

6 (1) Every qualified interpreter appointed under this chapter in a
7 judicial or administrative proceeding shall, before beginning to
8 interpret, take an oath that a true interpretation will be made to the
9 person being examined of all the proceedings in a manner which the
10 person understands, and that the interpreter will repeat the statements
11 of the person being examined to the court or other agency conducting
12 the proceedings, to the best of the interpreter's skill and judgment.

13 (2) Every interpreter appointed to interpret for a juror who is a
14 hearing or speech impaired person in a judicial or administrative
15 proceeding shall take an oath that the interpreter will not disclose
16 statements made by the jurors while impaneled, deliberating, and
17 voting, except as is necessary to interpret the proceedings.

18 **Sec. 4.** RCW 2.42.120 and 1985 c 389 s 12 are each amended to read
19 as follows:

20 (1) If a hearing impaired person is a party or witness at any stage
21 of a judicial or quasi-judicial proceeding in the state or in a
22 political subdivision, including but not limited to civil and criminal
23 court proceedings, grand jury proceedings, proceedings before a
24 magistrate, juvenile proceedings, adoption proceedings, mental health
25 commitment proceedings, and any proceeding in which a hearing impaired
26 person may be subject to confinement or criminal sanction, the
27 appointing authority shall appoint and pay for a qualified interpreter
28 to interpret the proceedings.

29 (2) If the parent, guardian, or custodian of a juvenile brought
30 before a court is hearing impaired, the appointing authority shall
31 appoint and pay for a qualified interpreter to interpret the
32 proceedings.

33 (3) If a hearing impaired person participates in a program or
34 activity ordered by a court as part of the sentence or order of
35 disposition, required as part of a diversion agreement or deferred
36 prosecution program, or required as a condition of probation or parole,
37 the appointing authority shall appoint and pay for a qualified

1 interpreter to interpret exchange of information during the program or
2 activity.

3 (4) If a law enforcement agency conducts a criminal investigation
4 involving the interviewing of a hearing impaired person, whether as a
5 victim, witness, or suspect, the appointing authority shall appoint
6 and pay for a qualified interpreter throughout the investigation.
7 Whenever a law enforcement agency conducts a criminal investigation
8 involving the interviewing of a minor child whose parent, guardian, or
9 custodian is hearing impaired, whether as a victim, witness, or
10 suspect, the appointing authority shall appoint and pay for a qualified
11 interpreter throughout the investigation. No employee of the law
12 enforcement agency who has responsibilities other than interpreting may
13 be appointed as the qualified interpreter.

14 (5) If a hearing impaired person is arrested for an alleged
15 violation of a criminal law the arresting officer or the officer's
16 supervisor shall, at the earliest possible time, procure and arrange
17 payment for a qualified interpreter for any notification of rights,
18 warning, interrogation, or taking of a statement. No employee of the
19 law enforcement agency who has responsibilities other than interpreting
20 may be appointed as the qualified interpreter.

21 (6) Where it is the policy and practice of a court of this state or
22 of a political subdivision to appoint and pay counsel for persons who
23 are indigent, the appointing authority shall appoint and pay for a
24 qualified interpreter for hearing impaired persons to facilitate
25 communication with counsel in all phases of the preparation and
26 presentation of the case.

27 (7) If a hearing impaired person is a juror in a judicial or
28 administrative proceeding in the state or in a political subdivision,
29 the appointing authority shall appoint and pay for a qualified
30 interpreter to interpret the proceedings, including jury deliberation
31 proceedings.

32 **Sec. 5.** RCW 10.27.070 and 1971 ex.s. c 67 s 7 are each amended to
33 read as follows:

34 (1) When the grand jury is impaneled, the court shall appoint one
35 of the jurors to be foreman, and also another of the jurors to act as
36 foreman in case of the absence of the foreman.

37 (2) The grand jurors must be sworn pursuant to the following oath:
38 "You, as grand jurors for the county of, do solemnly swear

1 (or affirm) that you will diligently inquire into and true presentment
2 make of all such matters and things as shall come to your knowledge and
3 you will submit things truly as they come to your knowledge, according
4 to your charge the laws of this state and your understanding; you shall
5 indict no person through envy, hatred, malice, or political
6 consideration; neither will you leave any person unindicted through
7 fear, favor, affection, reward or the hope thereof, or political
8 consideration. The counsel of the state, his or her advice, and that
9 of your fellows you shall keep secret."

10 (3) After a grand jury has been sworn, the court must deliver or
11 cause to be delivered to each grand juror a printed copy of all the
12 provisions of this chapter, and the court may give the grand jurors any
13 oral or written instructions, or both, relating to the proper
14 performance of their duties at any time it deems necessary or
15 appropriate.

16 (4) The court shall appoint a reporter to record the proceedings
17 before the grand jury or special inquiry judge, and shall swear him or
18 her not to disclose any testimony or the name of any witness except as
19 provided in RCW 10.27.090. In addition, the foreman of the grand jury
20 may, in his or her discretion, select one of the grand jurors to act as
21 secretary to keep records of the grand jury's business.

22 (5) The court, whenever necessary, shall appoint an interpreter,
23 and shall swear him or her not to disclose, except as necessary to
24 accurately interpret the proceedings and as provided in RCW 10.27.090,
25 any testimony ((or)), the name of any witness ((except as provided in
26 RCW 10.27.090)), and in cases in which an interpreter is appointed for
27 a hearing or speech impaired juror, anything a grand juror has said or
28 how any grand juror has voted.

29 (6) When a person held in official custody is a witness before a
30 grand jury or special inquiry judge, a public servant, assigned to
31 guard him or her during his or her appearance may accompany him or her.
32 The court shall swear such public servant not to disclose any testimony
33 or the name of any witness except as provided in RCW 10.27.090.

34 (7) Proceedings of a grand jury shall not be valid unless at least
35 twelve of its members are present. The foreman or acting foreman of
36 the grand jury shall conduct proceedings in an orderly manner and shall
37 administer an oath or affirmation in the manner prescribed by law to
38 any witness who shall testify before the grand jury.

1 (8) The legal advisers of a grand jury are the court and public
2 attorneys, and a grand jury may not seek or receive legal advice from
3 any other source. When necessary or appropriate, the court or public
4 attorneys or both must instruct the grand jury concerning the law with
5 respect to its duties or any matter before it, and such instructions
6 shall be recorded by the reporter.

7 (9)(a) Upon request of the prosecuting attorney of the county in
8 which a grand jury or special inquiry judge is impaneled, the attorney
9 general shall assist such prosecuting attorney in attending such grand
10 jury or special inquiry judge.

11 (b) Whenever directed by the court, the attorney general shall
12 supersede the prosecuting attorney in attending the grand jury and in
13 which event the attorney general shall be responsible for the
14 prosecution of any indictment returned by the grand jury.

15 (c) When the attorney general is conducting a criminal
16 investigation pursuant to powers otherwise granted to him or her, he or
17 she shall attend all grand juries or special inquiry judges in relation
18 thereto and shall prosecute any indictments returned by a grand jury.

19 (10) After consulting with the court and receiving its approval,
20 the grand jury may request the governor to appoint a special prosecutor
21 to attend the grand jury. The grand jury shall in the request nominate
22 three persons approved by the court. From those nominated, the
23 governor shall appoint a special prosecutor, who shall supersede the
24 prosecuting attorney and the attorney general and who shall be
25 responsible for the prosecution of any indictments returned by the
26 grand jury attended by him or her.

27 (11) A public attorney shall attend the grand jurors when requested
28 by them, and he or she may do so on his or her own motion within the
29 limitations of RCW 10.27.020(2)((~~, 10.27.070(9) and 10.27.070(10)~~
30 ~~hereof~~)) and subsections (9) and (10) of this section, for the purpose
31 of examining witnesses in their presence, or of giving the grand jurors
32 legal advice regarding any matter cognizable by them. He or she shall
33 also, when requested by them, draft indictments and issue process for
34 the attendance of witnesses.

35 (12) Subject to the approval of the court, the corporation counsel
36 or city attorney for any city or town in the county where any grand
37 jury has been convened may appear as a witness before the grand jury to
38 advise the grand jury of any criminal activity or corruption within his
39 or her jurisdiction.

1 **Sec. 6.** RCW 10.27.080 and 1971 ex.s. c 67 s 8 are each amended to
2 read as follows:

3 No person shall be present at sessions of the grand jury or special
4 inquiry judge except the witness under examination and his or her
5 attorney, public attorneys, the reporter, an interpreter, a public
6 servant guarding a witness who has been held in custody, if any, and,
7 for the purposes provided for in RCW 10.27.170, any corporation counsel
8 or city attorney. The attorney advising the witness shall only advise
9 such witness concerning his or her right to answer or not answer any
10 questions and the form of his or her answer and shall not otherwise
11 engage in the proceedings. No person other than grand jurors and
12 interpreters for hearing or speech impaired jurors, if any, shall be
13 present while the grand jurors are deliberating or voting. Any person
14 violating either of the above provisions may be held in contempt of
15 court.

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