

SECOND REGULAR SESSION

[TRULY AGREED TO AND FINALLY PASSED]

HOUSE BILL NO. 1715

91ST GENERAL ASSEMBLY

3594L.01T

2002

AN ACT

To repeal section 476.753, RSMo, and to enact in lieu thereof one new section relating to interpreters for the hearing impaired.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 476.753, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 476.753, to read as follows:

476.753. 1. A designated responsible authority shall provide, based on a deaf person's expressed needs, auxiliary aids and services to interpret the proceedings to a deaf person and, if a deaf person gives testimony or other communication, to interpret the deaf person's testimony or other communication when:

(1) A deaf person is a party, juror or witness at any stage of any judicial or quasi-judicial proceeding in this state or in its political subdivisions, including, but not limited to, any civil proceeding, criminal court proceeding or administrative hearing, preliminary hearing, postconviction proceeding, grand jury proceeding, proceeding before a magistrate, juvenile proceeding, adoption proceeding, parole or probation revocation proceeding or special proceeding;

(2) A juvenile whose parent, guardian or foster parent or other legally responsible party is deaf and such juvenile is brought before a court in any proceeding, including, but not limited to, any civil, criminal, or juvenile proceeding, including any investigation, interview or any other proceeding regarding the juvenile **that is authorized by or held under the supervision of a court;**

(3) A deaf person in any proceeding who may be subjected to confinement or criminal sanction or in any proceeding preliminary thereto, including, but not limited to, any coroner's inquest, grand jury proceeding, proceeding before a magistrate, juvenile proceeding and mental health commitment proceeding;

(4) There is any proceeding concerning the well-being or rehabilitation of a deaf person within a state prison, **or juvenile detention or correctional facility**, including, but not limited

22 to, any disciplinary hearing, parole hearing, psychological evaluation/hearing, administrative
23 hearing, sexual assault prevention program, counseling, medical care, any on-the-job or
24 vocational training or any educational program.

25 2. No answer, statement, admission or other information, written or oral, shall be
26 admissible as evidence in any judicial or administrative proceeding if obtained from a deaf
27 person who is involuntarily detained or arrested before an interpreter or auxiliary aids and
28 services are provided to that deaf person, based on the deaf person's expressed needs. No deaf
29 arrestee, otherwise eligible for release, shall be held in custody pending arrival of an interpreter
30 or auxiliary aids and services.

31 3. It is the policy and practice of any court of this state or of any of its political
32 subdivisions to appoint counsel for indigent people in criminal proceedings, and the designated
33 responsible authority shall provide and pay for an interpreter or provide auxiliary aids and
34 services for deaf indigent people to assist in communication with counsel in all phases of the
35 preparation and presentation of the case.