

STATE OF OKLAHOMA

1st Session of the 44th Legislature (1993)

COMMITTEE SUBSTITUTE

FOR

HOUSE BILL NO. 1187

By: Paulk

COMMITTEE SUBSTITUTE

An Act relating to civil procedure; authorizing an interpreter-deaf person privilege; defining terms; specifying persons authorized to claim such privilege; requiring certain confidentiality; prohibiting certain mandates to disclose certain information; providing circumstances for which there is no privilege; providing for codification; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2501.1 of Title 12, unless there is created a duplication in numbering, reads as follows:

A. As used in this section:

1. An "interpreter" is an interpreter for the deaf who is an interpreter certified by an association or board recognized by the Office of Services to the Deaf, Rehabilitative Services Division of the Department of Human Services;

2. A "deaf person" is a person whose preferred mode of communication is by other than auditory means; and

3. A communication is "confidential" if made privately and not intended for further disclosure except to other persons present in furtherance of the purpose of the communication.

B. A person has a privilege to refuse to disclose and to prevent an interpreter from disclosing such person's confidential communication made while such interpreter is acting in the capacity as an interpreter for persons who are deaf.

C. The privilege may be claimed by the interpreter, by the deaf person, by the deaf person's guardian or conservator, or by the deaf person's personal representative if the deaf person is

deceased, only if a person who is a party to the conversation has the authority pursuant to statute to claim that the communication is privileged.

D. An interpreter who is employed to interpret, transliterate or relay a conversation between a person who can hear and a deaf person is a conduit for the conversation and may not disclose or be compelled to disclose, through reporting or testimony or by subpoena, the contents of a confidential communication.

E. There is no privilege pursuant to this section if the services of the interpreter were sought or obtained to enable or aid anyone to commit or plan to commit what the deaf person knew or should have known to be a crime or fraud.

SECTION 2. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

44-1-6326

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