

West's Tennessee Code Annotated
Title 24. Evidence and Witnesses
Chapter 1. Witnesses and Privileged Communications
Part 2. Privileged Communications

T. C. A. § 24-1-211

§ 24-1-211. Deaf and hearing impaired persons; interpreters

Effective: July 10, 2017

Currentness

(a) As used in this section:

(1) “Deaf person” means a person with a hearing loss so great as to prevent such person from understanding language spoken in a normal tone. “Deaf person” further includes, but is not limited to, a person who is mute and a person who is both deaf and mute. The archaic term “dumb” that formerly related to deaf people shall hereafter be struck from all future state publications that in any way refer to the deaf;

(2) “Oral interpreter” means a person who interprets language through facial and lip movements only and who does not use manual communication. An oral interpreter shall be provided upon the request of a deaf person who does not communicate in sign language. The right of a deaf person to an interpreter may not be waived except by a deaf person who does not use sign language and who initiates such request for waiver in writing. Such waiver is subject to approval of counsel to such deaf person, if existent, and is subject to approval of the appointing authority; and

(3) “Qualified interpreter” means an interpreter certified by the National Registry of Interpreters for the Deaf, Tennessee Registry of Interpreters for the Deaf, or, in the event an interpreter so certified is not available, an interpreter whose qualifications are otherwise determined. Efforts to obtain the services of a qualified interpreter certified with a Legal Skills Certificate or a Comprehensive Skills Certificate will be made prior to accepting services of an interpreter with lesser certification. No “qualified interpreter” shall be appointed unless the appointing authority and the deaf person make a preliminary determination that the interpreter is able to readily communicate with the deaf person and is able to accurately interpret the statements of the deaf person and interpret the proceedings in which a deaf person may be involved.

(b)(1) In any case in law or equity before any court or the grand jury, wherein any deaf person is a party to such action, either as a complainant, defendant, or witness, the court shall appoint a qualified interpreter of the deaf sign language to interpret the proceedings to the deaf person and interpret the person's testimony or statements and to assist in preparation with counsel.

(2) In any proceeding before any department, board, commission, agency, or licensing authority of the state, or any political subdivision or municipality, wherein any deaf person is a principal party of interest, either as a complainant, defendant, witness or supplicant, any department, board, commission, agency, or licensing authority of the state or any political subdivision or municipality wherein such shall appoint a qualified interpreter to interpret the proceedings to the deaf person and to interpret the person's testimony or statements.

(3) In the event a person who is deaf is arrested and taken into custody for any alleged violation of a criminal law of this state, the arresting officers' and the arresting officers' superiors shall procure a qualified interpreter in order to properly interrogate such deaf person and to interpret such person's statements. No statement taken from such deaf person before an interpreter is present may be admissible in court.

(c) Every deaf person whose appearance before a proceeding entitles such person to an interpreter should notify the appointing authority of such need prior to any appearance and should request at such time the services of an interpreter; provided, that where a deaf person reasonably expects the need for an interpreter to be for a period greater than a single day, such person should notify the appointing authority and such notification shall be sufficient for the duration of the person's participation in the proceedings.

(d) An appointing authority may require a person requesting the appointment of an interpreter to furnish reasonable proof of deafness when the appointing authority has reason to believe that the person is not deaf.

(e)(1) It shall be the responsibility of the appointing authority to channel requests for qualified interpreters through:

(A) Local interpreter/referral centers for the deaf;

(B) The Tennessee Registry of Interpreters for the Deaf;

(C) The Tennessee council for the deaf and hard of hearing; or, in the alternative,

(D) The department of human services, division of vocational rehabilitation.

(2) It is the responsibility of the Tennessee Registry of Interpreters for the Deaf to compile and update annually a listing of qualified interpreters and to make this listing available to authorities in possible need of interpreter service as provided in this section.

(f) Before a qualified interpreter will participate in any proceedings subsequent to an appointment under this section, such interpreter shall make an oath or affirmation that such interpreter will make a true interpretation in an understandable manner to the deaf person for whom the interpreter is appointed and that such interpreter will interpret the statements of the deaf person desiring that statements be made, in the English language to the best of such interpreter's skill and judgment. The appointing authority shall provide recess periods as necessary for the interpreter when the interpreter so indicates. Any and all information that the interpreter gathers from the deaf person pertaining to any proceeding then pending shall at all times remain confidential and privileged, or on an equal basis with the attorney-client privilege, unless such deaf person desires that such information be communicated to other persons.

(g) An interpreter appointed under this section shall be entitled to a reasonable fee for such services. The fee shall be in accordance with standards established by the Tennessee Registry of Interpreters for the Deaf, in addition to actual expenses for travel and transportation. When the interpreter is appointed by a court, the fee shall be paid out of general

county funds and when the interpreter is otherwise appointed the fee shall be paid out of funds available to the appointing authority.

Credits

1957 Pub.Acts, c. 233, §§ 1, 2; 1977 Pub.Acts, c. 123, § 1; 1981 Pub.Acts, c. 66, § 1; 2001 Pub.Acts, c. 174, § 3, eff. July 1, 2001.

Formerly § 24-108; § 24-1-103.

Notes of Decisions (5)

T. C. A. § 24-1-211, TN ST § 24-1-211

Current with laws from the 2019 First Reg. Sess. of the 111th Tennessee General Assembly, eff. through March 22, 2019. Pursuant to §§ 1-1-110, 1-1-111, and 1-2-114, the Tennessee Code Commission certifies the final, official version of the Tennessee Code and, until then, may make editorial changes to the statutes. References to the updates made by the most recent legislative session should be to the Public Chapter and not to the T.C.A. until final revisions have been made to the text, numbering, and hierarchical headings on Westlaw to conform to the official text.

End of Document

© 2019 Thomson Reuters. No claim to original U.S. Government Works.