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**STATE OF CONNECTICUT
JUDICIAL BRANCH**

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TO: Joseph Del Ciampo, Director, Legal Services

FROM: Lori Petruzzelli, Legal Counsel, Legal Services

RE: Proposals regarding No. 17-202 of the 2017 Public Acts

In 2018, Section 16-1 was amended to conform its language to certain changes in terminology set forth in P.A. 17-202. The Public Act replaced the terms “deaf or hearing impaired juror” with “a juror who is deaf or hard of hearing” in several statutes. The bill analysis explains that these changes were made to use respectful “person first language.” In addition, the Commission on the Deaf and Hearing Impaired was dissolved and no longer supplies interpreters for people who are deaf or hearing impaired to the Branch. The Branch has a contract with a vendor for those services.

Consistent with the amendment to Section 16-1, I respectfully submit that the attached amendments to Sections 16-4, 16-8, 16-16, 42-5, 42-10, 42-14, 42-21, and 42-22 be considered, so that all Practice Book references to the deaf, deafness and hearing impairment use “person first language.”

Sec. 16-4. Disqualification of Jurors and Selection of Panel

(a) A person shall be disqualified to serve as a juror if such person is found by the judicial authority to exhibit any quality which will impair this person's capacity to serve as a juror, except that no person shall be disqualified on the basis of deafness or being hard of hearing [impairment].

(b) The clerks shall keep a list of all persons disqualified under this section and shall send a copy of that list to the jury administrator at such time as the jury administrator may direct.

(c) The clerk of the court, in impaneling the jury for the trial of each cause, shall, when more jurors are in attendance than are required of the panel, designate by lot those who shall compose the panel.

COMMENTARY: The changes to this section conform it to the provisions of No. 17-202 of the 2017 Public Acts.

Sec. 16-8. Oath and Admonitions to Trial Jurors

(a) The judicial authority shall cause the jurors selected for the trial to be sworn or affirmed in accordance with General Statutes §§ 1-23 and 1-25. The judicial authority shall admonish the jurors not to read, listen to or view news reports of the case or to discuss with each other or with any person not a member of the jury the cause under consideration, except that after the case has been submitted to the jury for deliberation the jurors shall discuss it among themselves in the jury room.

(b) In the presence of the jury, the judicial authority shall instruct any interpreter for a [deaf or hearing impaired] juror who is deaf or hard of hearing to refrain from participating in any manner in the deliberations of the jury and to refrain from having any communications, oral or visual, with any member of the jury except for the literal translation of jurors' remarks made during deliberations.

COMMENTARY: The changes to this section conform it to the provisions of No. 17-202 of the 2017 Public Acts.

Sec. 16-16. Jury Deliberations

After the case has been submitted to the jury, the jurors shall be in the custody of an officer who shall permit no person to be present with them or to speak to them when assembled for deliberations except a qualified interpreter assisting a [deaf or hearing impaired] juror who is deaf or hard of hearing. The jurors shall be kept together for deliberations as the judicial authority reasonably directs. If the judicial authority permits the jury to recess its deliberations, the judicial authority shall admonish the jurors not to discuss the case until they reconvene in the jury room. The judicial authority shall direct the jurors to select one of their members to preside over the deliberations and to deliver any verdict agreed upon, and the judicial authority shall admonish the jurors that until they are discharged in the case they may communicate upon subjects connected with the trial only while they are convened in the jury room. If written forms of verdict are submitted to the jury, the member of the jury selected to deliver the verdict shall sign any verdict agreed upon.

COMMENTARY: The changes to this section conform it to the provisions of No. 17-202 of the 2017 Public Acts.

Sec. 42-5. Disqualification of Jurors and Selection of Panel

A person shall be disqualified to serve as a juror if such person is found by the judicial authority to exhibit any quality which will impair that person's capacity to serve as a juror, except that no person shall be disqualified on the basis of deafness or being hard of hearing [impairment]. The clerk shall keep a list of all persons disqualified under this section and shall send a copy of that list to the jury administrator at such time as the jury administrator may direct.

The clerk of the court, in impaneling the jury for the trial of each cause, shall, when more jurors are in attendance than are required for the panel, designate by lot those who shall compose the panel.

COMMENTARY: The changes to this section conform it to the provisions of No. 17-202 of the 2017 Public Acts.

Sec. 42-10. Selection of Jury; [Deaf or Hearing Impaired] Jurors Who Are Deaf or Hard of Hearing

At the request of a [deaf or hearing impaired] juror who is deaf or hard of hearing or at the request of the judicial authority, an interpreter or interpreters provided by the [commission on the deaf and hearing impaired] Judicial Branch and qualified under General Statutes § 46a-33a shall assist such juror during the juror orientation program and all subsequent proceedings, and when the jury assembles for deliberation.

COMMENTARY: The changes to this section conform it to the provisions of No. 17-202 of the 2017 Public Acts and recognize that the Commission on the Deaf and Hearing Impaired was dissolved and no longer provides interpreters to the Branch for people who are deaf or hard of hearing.

Sec. 42-14. Oath and Admonitions to Trial Jurors

(a) The judicial authority shall cause the jurors selected for the trial to be sworn or affirmed in accordance with General Statutes §§ 1-23 and 1-25. The judicial authority shall admonish the jurors not to read, listen to or view news reports of the case or to discuss with each other or with any person not a member of the jury the cause under consideration, except that after the case has been submitted to the jury for deliberation the jurors shall discuss it among themselves in the jury room.

(b) In the presence of the jury, the judicial authority shall instruct any interpreter for a [deaf or hearing impaired] juror who is deaf or hard of hearing to refrain from participating in any manner in the deliberations of the jury and to refrain from having any communications, oral or visual, with any member of the jury except for the literal translation of jurors' remarks made during deliberations.

COMMENTARY: The changes to this section conform it to the provisions of No. 17-202 of the 2017 Public Acts.

Sec. 42-21. Jury Deliberations

After the case has been submitted to the jury, the jurors shall be in the custody of an officer who shall permit no person to be present with them or to speak to them when assembled for deliberations except a qualified interpreter assisting a [deaf or hearing impaired] juror who is deaf or hard of hearing. The jurors shall be kept together for deliberations as the judicial authority reasonably directs. If the judicial authority permits the jury to recess its deliberations, the judicial authority shall admonish the jurors not to discuss the case until they reconvene in the jury room. The judicial authority shall direct the jurors to select one of their members to preside over the deliberations and to deliver any verdict agreed upon, and the judicial authority shall admonish the jurors that until they are discharged in the case they may communicate upon subjects connected with the trial only while they are convened in the jury room. If written forms of verdict are submitted to the jury pursuant to Section 42-23, the member of the jury selected to deliver the verdict shall sign any verdict agreed upon.

COMMENTARY: The changes to this section conform it to the provisions of No. 17-202 of the 2017 Public Acts

Sec. 42-22. Sequestration of Jury

If a case involves the penalty of capital punishment or imprisonment for life or is of such notoriety or its issues are of such a nature that, absent sequestration, highly prejudicial matters are likely to come to the jury's attention, the judicial authority, upon its own motion or the motion of either party, may order that the jurors remain together in the custody of an officer during the trial and until they are discharged from further consideration of the case. Such order shall include an interpreter or interpreters assisting a [deaf or hearing impaired] juror who is deaf or hard of hearing. A motion to sequester may be made at any time. The jury shall not be informed which party requested sequestration.

COMMENTARY: The changes to this section conform it to the provisions of No. 17-202 of the 2017 Public Acts