

SB1738



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB1738

Introduced 2/19/2009, by Sen. Deanna Demuzio

SYNOPSIS AS INTRODUCED:

735 ILCS 5/8-912

Amends provisions of the Code of Civil Procedure relating to privileged communications. Deletes language providing that the privilege of an interpreter for the deaf and hard of hearing shall not be construed to prohibit a person licensed under the Interpreter for the Deaf Licensure Act of 2007 from voluntarily testifying in court hearings concerning matters of adoption, child abuse, child neglect, or other matters pertaining to children except as otherwise provided.

LRB096 08843 AJO 18978 b

A BILL FOR

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Code of Civil Procedure is amended by
5 changing Section 8-912 as follows:

6 (735 ILCS 5/8-912)

7 Sec. 8-912. Interpreter for the deaf and hard of hearing's
8 privilege.

9 (a) An "interpreter for the deaf and hard of hearing" is a
10 person who aids communication when at least one party to the
11 communication has a hearing loss.

12 (b) An interpreter for the deaf and hard of hearing who
13 interprets a conversation between a hearing person and a deaf
14 person is deemed a conduit for the conversation and may not
15 disclose or be compelled to disclose by subpoena the contents
16 of the conversation that he or she facilitated without the
17 written consent of all persons involved who received his or her
18 professional services.

19 (c) All communications that are recognized by law as
20 privileged shall remain privileged even in cases where an
21 interpreter for the deaf and hard of hearing is utilized to
22 facilitate such communications.

23 (d) Communications may be voluntarily disclosed under the

1 following circumstances:

2 (1) the formal reporting, conferring, or consulting
3 with administrative superiors, colleagues, or consultants
4 who share similar professional responsibility, in which
5 instance all recipients of such information are similarly
6 bound to regard the communication as privileged;

7 (2) a person waives the privilege by bringing any
8 public charges against an interpreter for the deaf and hard
9 of hearing, including a person licensed under the
10 Interpreter for the Deaf Licensure Act of 2007; and

11 (3) a communication reveals the intended commission of
12 a crime or harmful act and such disclosure is judged
13 necessary by the interpreter for the deaf and hard of
14 hearing to protect any person from a clear, imminent risk
15 of serious mental or physical harm or injury or to
16 forestall a serious threat to public safety.

17 (e) (Blank). ~~Nothing in this Section shall be construed to~~
18 ~~prohibit a person licensed under the Interpreter for the Deaf~~
19 ~~Licensure Act of 2007 from voluntarily testifying in court~~
20 ~~hearings concerning matters of adoption, child abuse, child~~
21 ~~neglect, or other matters pertaining to children, except as~~
22 ~~provided under the Abused and Neglected Child Reporting Act.~~

23 (Source: P.A. 95-617, eff. 9-12-07.)