

# Oklahoma Interpreter Privilege Act

12 O.S. §2506.1.

**Terms defined** [*ed note: 12 O.S. §2503.1 effective November 1, 2002*]

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.

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.

[*ed. note: effective through November 1, 2002*]

F. There is no privilege pursuant to this section for communications:

1. 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 know, or reasonably should have known, to be a crime or fraud or physical injury to the deaf person or another individual;
2. In which the deaf person has expressed an intent to engage in conduct likely to result in imminent death or serious bodily injury to the deaf person or another individual;
3. Relevant to an issue in a proceeding challenging the competency of the interpreter;
4. Relevant to any breach of duty by the interpreter; or
5. That are subject to a duty to disclose under statutory law.

Historical Data: Added by Laws 1993, c. 297, §1, emerg. eff. June 7, 1993; Amended by Laws 2002, HB 1939, c. 468, §37, effective November 1, 2002; Renumbered by Laws 2002, HB 1939, c. 468, §78, effective November 1, 2002;