

CERTIFICATION OF ENROLLMENT

**SECOND ENGROSSED SECOND SUBSTITUTE HOUSE BILL 2176**

Chapter 291, Laws of 2008

60th Legislature  
2008 Regular Session

INTERPRETER SERVICES--COURTS

EFFECTIVE DATE: 06/12/08

Passed by the House March 8, 2008  
Yeas 93 Nays 0

FRANK CHOPP

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**Speaker of the House of Representatives**

Passed by the Senate March 6, 2008  
Yeas 47 Nays 2

BRAD OWEN

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**President of the Senate**

Approved April 1, 2008, 2:46 p.m.

CHRISTINE GREGOIRE

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**Governor of the State of Washington**

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SECOND ENGROSSED SECOND SUBSTITUTE HOUSE BILL 2176** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER

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**Chief Clerk**

FILED

April 2, 2008

**Secretary of State  
State of Washington**

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SECOND ENGROSSED SECOND SUBSTITUTE HOUSE BILL 2176

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AS AMENDED BY THE SENATE

Passed Legislature - 2008 Regular Session

State of Washington                      60th Legislature                      2008 Regular Session

By House Committee on Appropriations (originally sponsored by Representatives Lantz, Warnick, Pedersen, Ross, Hasegawa, Kenney, Santos and Goodman)

READ FIRST TIME 3/5/07.

1            AN ACT Relating to interpreter services; amending RCW 2.42.120,  
2            2.43.040, and 2.56.030; and adding a new section to chapter 2.43 RCW.

3            BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4            NEW SECTION.    **Sec. 1.**    A new section is added to chapter 2.43 RCW  
5            to read as follows:

6            (1) Each trial court organized under this title and Titles 3 and 35  
7            RCW must develop a written language assistance plan to provide a  
8            framework for the provision of interpreter services for non-English-  
9            speaking persons accessing the court system in both civil and criminal  
10           legal matters.    The language assistance plan must include, at a  
11           minimum, provisions addressing the following:

12           (a) Procedures to identify and assess the language needs of non-  
13           English-speaking persons using the court system;

14           (b) Procedures for the appointment of interpreters as required  
15           under RCW 2.43.030.    Such procedures shall not require the non-English-  
16           speaking person to make the arrangements for the interpreter to appear  
17           in court;

18           (c) Procedures for notifying court users of the right to and

1 availability of interpreter services. Such information shall be  
2 prominently displayed in the courthouse in the five foreign languages  
3 that census data indicates are predominate in the jurisdiction;

4 (d) A process for providing timely communication with non-English  
5 speakers by all court employees who have regular contact with the  
6 public and meaningful access to court services, including access to  
7 services provided by the clerk's office;

8 (e) Procedures for evaluating the need for translation of written  
9 materials, prioritizing those translation needs, and translating the  
10 highest priority materials. These procedures should take into account  
11 the frequency of use of forms by the language group, and the cost of  
12 orally interpreting the forms;

13 (f) A process for requiring and providing training to judges, court  
14 clerks, and other court staff on the requirements of the language  
15 assistance plan and how to effectively access and work with  
16 interpreters; and

17 (g) A process for ongoing evaluation of the language assistance  
18 plan and monitoring of the implementation of the language assistance  
19 plan.

20 (2) Each court, when developing its language assistance plan, must  
21 consult with judges, court administrators and court clerks,  
22 interpreters, and members of the community, such as domestic violence  
23 organizations, pro bono programs, courthouse facilitators, legal  
24 services programs, and/or other community groups whose members speak a  
25 language other than English.

26 (3) Each court must provide a copy of its language assistance plan  
27 to the interpreter commission established by supreme court rule for  
28 approval prior to receiving state reimbursement for interpreter costs  
29 under this chapter.

30 (4) Each court receiving reimbursement for interpreter costs under  
31 RCW 2.42.120 or 2.43.040 must provide to the administrative office of  
32 the courts by November 15, 2009, a report detailing an assessment of  
33 the need for interpreter services for non-English speakers in  
34 court-mandated classes or programs, the extent to which interpreter  
35 services are currently available for court-mandated classes or  
36 programs, and the resources that would be required to ensure that  
37 interpreters are provided to non-English speakers in court-mandated  
38 classes or programs. The report shall also include the amounts spent

1 annually on interpreter services for fiscal years 2005, 2006, 2007,  
2 2008, and 2009. The administrative office of the courts shall compile  
3 these reports and provide them along with the specific reimbursements  
4 provided, by court and fiscal year, to the appropriate committees of  
5 the legislature by December 15, 2009.

6 **Sec. 2.** RCW 2.42.120 and 1985 c 389 s 12 are each amended to read  
7 as follows:

8 (1) If a hearing impaired person is a party or witness at any stage  
9 of a judicial or quasi-judicial proceeding in the state or in a  
10 political subdivision, including but not limited to civil and criminal  
11 court proceedings, grand jury proceedings, proceedings before a  
12 magistrate, juvenile proceedings, adoption proceedings, mental health  
13 commitment proceedings, and any proceeding in which a hearing impaired  
14 person may be subject to confinement or criminal sanction, the  
15 appointing authority shall appoint and pay for a qualified interpreter  
16 to interpret the proceedings.

17 (2) If the parent, guardian, or custodian of a juvenile brought  
18 before a court is hearing impaired, the appointing authority shall  
19 appoint and pay for a qualified interpreter to interpret the  
20 proceedings.

21 (3) If a hearing impaired person participates in a program or  
22 activity ordered by a court as part of the sentence or order of  
23 disposition, required as part of a diversion agreement or deferred  
24 prosecution program, or required as a condition of probation or parole,  
25 the appointing authority shall appoint and pay for a qualified  
26 interpreter to interpret exchange of information during the program or  
27 activity.

28 (4) If a law enforcement agency conducts a criminal investigation  
29 involving the interviewing of a hearing impaired person, whether as a  
30 victim, witness, or suspect, the appointing authority shall appoint  
31 and pay for a qualified interpreter throughout the investigation.  
32 Whenever a law enforcement agency conducts a criminal investigation  
33 involving the interviewing of a minor child whose parent, guardian, or  
34 custodian is hearing impaired, whether as a victim, witness, or  
35 suspect, the appointing authority shall appoint and pay for a qualified  
36 interpreter throughout the investigation. No employee of the law

1 enforcement agency who has responsibilities other than interpreting may  
2 be appointed as the qualified interpreter.

3 (5) If a hearing impaired person is arrested for an alleged  
4 violation of a criminal law the arresting officer or the officer's  
5 supervisor shall, at the earliest possible time, procure and arrange  
6 payment for a qualified interpreter for any notification of rights,  
7 warning, interrogation, or taking of a statement. No employee of the  
8 law enforcement agency who has responsibilities other than interpreting  
9 may be appointed as the qualified interpreter.

10 (6) Where it is the policy and practice of a court of this state or  
11 of a political subdivision to appoint and pay counsel for persons who  
12 are indigent, the appointing authority shall appoint and pay for a  
13 qualified interpreter for hearing impaired persons to facilitate  
14 communication with counsel in all phases of the preparation and  
15 presentation of the case.

16 (7) Subject to the availability of funds specifically appropriated  
17 therefor, the administrative office of the courts shall reimburse the  
18 appointing authority for up to one-half of the payment to the  
19 interpreter where a qualified interpreter is appointed for a hearing  
20 impaired person by a judicial officer in a proceeding before a court  
21 under subsection (1), (2), or (3) of this section in compliance with  
22 the provisions of RCW 2.42.130 and 2.42.170.

23 **Sec. 3.** RCW 2.43.040 and 1989 c 358 s 4 are each amended to read  
24 as follows:

25 (1) Interpreters appointed according to this chapter are entitled  
26 to a reasonable fee for their services and shall be reimbursed for  
27 actual expenses which are reasonable as provided in this section.

28 (2) In all legal proceedings in which the non-English-speaking  
29 person is a party, or is subpoenaed or summoned by the appointing  
30 authority or is otherwise compelled by the appointing authority to  
31 appear, including criminal proceedings, grand jury proceedings,  
32 coroner's inquests, mental health commitment proceedings, and other  
33 legal proceedings initiated by agencies of government, the cost of  
34 providing the interpreter shall be borne by the governmental body  
35 initiating the legal proceedings.

36 (3) In other legal proceedings, the cost of providing the  
37 interpreter shall be borne by the non-English-speaking person unless

1 such person is indigent according to adopted standards of the body. In  
2 such a case the cost shall be an administrative cost of the  
3 governmental body under the authority of which the legal proceeding is  
4 conducted.

5 (4) The cost of providing the interpreter is a taxable cost of any  
6 proceeding in which costs ordinarily are taxed.

7 (5) Subject to the availability of funds specifically appropriated  
8 therefor, the administrative office of the courts shall reimburse the  
9 appointing authority for up to one-half of the payment to the  
10 interpreter where an interpreter is appointed by a judicial officer in  
11 a proceeding before a court at public expense and:

12 (a) The interpreter appointed is an interpreter certified by the  
13 administrative office of the courts or is a qualified interpreter  
14 registered by the administrative office of the courts in a noncertified  
15 language, or where the necessary language is not certified or  
16 registered, the interpreter has been qualified by the judicial officer  
17 pursuant to this chapter;

18 (b) The court conducting the legal proceeding has an approved  
19 language assistance plan that complies with section 1 of this act; and

20 (c) The fee paid to the interpreter for services is in accordance  
21 with standards established by the administrative office of the courts.

22 **Sec. 4.** RCW 2.56.030 and 2007 c 496 s 302 are each amended to read  
23 as follows:

24 The administrator for the courts shall, under the supervision and  
25 direction of the chief justice:

26 (1) Examine the administrative methods and systems employed in the  
27 offices of the judges, clerks, stenographers, and employees of the  
28 courts and make recommendations, through the chief justice, for the  
29 improvement of the same;

30 (2) Examine the state of the dockets of the courts and determine  
31 the need for assistance by any court;

32 (3) Make recommendations to the chief justice relating to the  
33 assignment of judges where courts are in need of assistance and carry  
34 out the direction of the chief justice as to the assignments of judges  
35 to counties and districts where the courts are in need of assistance;

36 (4) Collect and compile statistical and other data and make reports

1 of the business transacted by the courts and transmit the same to the  
2 chief justice to the end that proper action may be taken in respect  
3 thereto;

4 (5) Prepare and submit budget estimates of state appropriations  
5 necessary for the maintenance and operation of the judicial system and  
6 make recommendations in respect thereto;

7 (6) Collect statistical and other data and make reports relating to  
8 the expenditure of public moneys, state and local, for the maintenance  
9 and operation of the judicial system and the offices connected  
10 therewith;

11 (7) Obtain reports from clerks of courts in accordance with law or  
12 rules adopted by the supreme court of this state on cases and other  
13 judicial business in which action has been delayed beyond periods of  
14 time specified by law or rules of court and make report thereof to  
15 supreme court of this state;

16 (8) Act as secretary of the judicial conference referred to in RCW  
17 2.56.060;

18 (9) Submit annually, as of February 1st, to the chief justice, a  
19 report of the activities of the administrator's office for the  
20 preceding calendar year including activities related to courthouse  
21 security;

22 (10) Administer programs and standards for the training and  
23 education of judicial personnel;

24 (11) Examine the need for new superior court and district court  
25 judge positions under an objective workload analysis. The results of  
26 the objective workload analysis shall be reviewed by the board for  
27 judicial administration which shall make recommendations to the  
28 legislature. It is the intent of the legislature that an objective  
29 workload analysis become the basis for creating additional district and  
30 superior court positions, and recommendations should address that  
31 objective;

32 (12) Provide staff to the judicial retirement account plan under  
33 chapter 2.14 RCW;

34 (13) Attend to such other matters as may be assigned by the supreme  
35 court of this state;

36 (14) Within available funds, develop a curriculum for a general  
37 understanding of child development, placement, and treatment resources,  
38 as well as specific legal skills and knowledge of relevant statutes

1 including chapters 13.32A, 13.34, and 13.40 RCW, cases, court rules,  
2 interviewing skills, and special needs of the abused or neglected  
3 child. This curriculum shall be completed and made available to all  
4 juvenile court judges, court personnel, and service providers and be  
5 updated yearly to reflect changes in statutes, court rules, or case  
6 law;

7 (15) Develop, in consultation with the entities set forth in RCW  
8 2.56.150(3), a comprehensive statewide curriculum for persons who act  
9 as guardians ad litem under Title 13 or 26 RCW. The curriculum shall  
10 be made available July 1, 2008, and include specialty sections on child  
11 development, child sexual abuse, child physical abuse, child neglect,  
12 domestic violence, clinical and forensic investigative and interviewing  
13 techniques, family reconciliation and mediation services, and relevant  
14 statutory and legal requirements. The curriculum shall be made  
15 available to all superior court judges, court personnel, and all  
16 persons who act as guardians ad litem;

17 (16) Develop a curriculum for a general understanding of crimes of  
18 malicious harassment, as well as specific legal skills and knowledge of  
19 RCW 9A.36.080, relevant cases, court rules, and the special needs of  
20 malicious harassment victims. This curriculum shall be made available  
21 to all superior court and court of appeals judges and to all justices  
22 of the supreme court;

23 (17) Develop, in consultation with the criminal justice training  
24 commission and the commissions established under chapters 43.113,  
25 43.115, and 43.117 RCW, a curriculum for a general understanding of  
26 ethnic and cultural diversity and its implications for working with  
27 youth of color and their families. The curriculum shall be available  
28 to all superior court judges and court commissioners assigned to  
29 juvenile court, and other court personnel. Ethnic and cultural  
30 diversity training shall be provided annually so as to incorporate  
31 cultural sensitivity and awareness into the daily operation of juvenile  
32 courts statewide;

33 (18) Authorize the use of closed circuit television and other  
34 electronic equipment in judicial proceedings. The administrator shall  
35 promulgate necessary standards and procedures and shall provide  
36 technical assistance to courts as required;

37 (19) Develop a Washington family law handbook in accordance with  
38 RCW 2.56.180;

1 (20) Administer state funds for improving the operation of the  
2 courts and provide support for court coordinating councils, under the  
3 direction of the board for judicial administration;

4 (21)(a) Administer and distribute amounts appropriated from the  
5 equal justice subaccount under RCW 43.08.250(2) for district court  
6 judges' and qualifying elected municipal court judges' salary  
7 contributions. The administrator for the courts shall develop a  
8 distribution formula for these amounts that does not differentiate  
9 between district and elected municipal court judges.

10 (b) A city qualifies for state contribution of elected municipal  
11 court judges' salaries under (a) of this subsection if:

12 (i) The judge is serving in an elected position;

13 (ii) The city has established by ordinance that a full-time judge  
14 is compensated at a rate equivalent to at least ninety-five percent,  
15 but not more than one hundred percent, of a district court judge salary  
16 or for a part-time judge on a pro rata basis the same equivalent; and

17 (iii) The city has certified to the office of the administrator for  
18 the courts that the conditions in (b)(i) and (ii) of this subsection  
19 have been met;

20 (22) Subject to the availability of funds specifically appropriated  
21 therefor, assist courts in the development and implementation of  
22 language assistance plans required under section 1 of this act.

Passed by the House March 8, 2008.

Passed by the Senate March 6, 2008.

Approved by the Governor April 1, 2008.

Filed in Office of Secretary of State April 2, 2008.