
Judiciary Committee

HB 1186

Title: An act relating to the provision of and reimbursement for certain court interpreter services.

Brief Description: Concerning the provision of and reimbursement for certain court interpreter services.

Sponsors: Representatives Santos, Goodman, Jinkins, Kilduff and Senn; by request of Board For Judicial Administration.

Brief Summary of Bill

- Requires presiding officers to appoint a certified, registered, or qualified interpreter at public expense in all stages of legal proceedings in which a non-English-speaking person is a party or is compelled to appear.
- Provides for reimbursement by the Administrative Office of the Courts (AOC) of one-half of the costs for interpreters appointed to assist hearing impaired and non-English-speaking persons, subject to the availability of funds specifically appropriated for this purpose.
- Requires presiding officers to track and provide language interpreter cost and usage data annually to the AOC.

Hearing Date: 1/19/17

Staff: Alex Arkfeld (786-7290) and Edie Adams (786-7180).

Background:

Federal requirements, under both Title VI of the Civil Rights Act of 1964 (Title VI) and the Omnibus Crime Control and Safe Streets Act (Safe Streets Act), and Washington law require courts and other governmental entities conducting legal proceedings to provide meaningful access to parties or witnesses who are limited English proficient (LEP).

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Federal Standard.

Title VI and the Safe Streets Act prohibit national origin discrimination by recipients of federal financial assistance, which includes state courts. The United States Department of Justice (DOJ) enforces Title VI and the Safe Streets Act. Accordingly, the DOJ may suspend or terminate federal financial assistance to court systems that do not comply with LEP requirements, or it may bring a civil suit to enforce the laws.

Through guidance documents and letters, the DOJ requires state courts receiving federal financial assistance to provide LEP parties and witnesses "meaningful access" to court proceedings. Under this standard, the DOJ has indicated that interpreter services should be provided to the parties involved in the proceedings free of charge, regardless of the involved parties' ability to pay.

State Standard.

Washington law provides for the appointment of interpreters to assist non-English-speaking and hearing impaired persons in specified legal proceedings.

Non-English-Speaking Persons. Washington law specifies the legal proceedings in which presiding officers must pay for a language interpreter. Legal proceedings include proceedings in any court, grand jury hearings, and hearings before an administrative board, commission, agency, or licensing body. When a presiding officer of a court or other governmental entity appoints an interpreter to assist a non-English-speaking person in a government initiated legal proceeding, the governmental entity bears the cost of providing the interpreter. In all other legal proceedings, including those not initiated by the government, the non-English-speaking person bears the cost of providing an interpreter unless the person is indigent, in which case the governmental entity conducting the legal proceeding bears the cost. Subject to the availability of funds, the Administrative Office of the Courts (AOC) must reimburse governmental entities up to 50 percent of their costs.

Interpreters for non-English-speaking persons may be certified, registered, or otherwise qualified, depending on the circumstances. For example, certified interpreters are preferred in legal proceedings in which the non-English-speaking person is a party or is compelled to appear. However, if good cause is found, a qualified interpreter is permitted. "Good cause" includes, but is not limited to, the following: (1) the services of a certified interpreter are not reasonably available; or (2) no interpreter is currently certified in the language spoken by the non-English-speaking person. In those cases, the appointed interpreter must be a qualified interpreter. Qualified interpreters are those who can readily translate for non-English-speaking persons.

The AOC certifies and registers interpreters. The examination for certification is different than the examination for registration and is available in fewer languages. The AOC will certify an interpreter if the certification exam is available in the interpreter's language. Otherwise, the AOC will register the interpreter.

Hearing Impaired Persons. The presiding officer of a court or other governmental entity must appoint and pay for a qualified interpreter to assist hearing impaired persons in several circumstances, including when a hearing impaired person is a party or witness in a judicial proceeding, is the parent or guardian of a juvenile brought before the court, or is participating in a court ordered program. Qualified interpreters are those who are certified by the state or by the

Registry of Interpreters for the Deaf, or who can otherwise readily translate for hearing impaired persons.

Subject to the availability of funds, the AOC must reimburse the governmental entity up to 50 percent of the cost of interpreters appointed to assist hearing impaired persons when the hearing impaired person is a party or witness in a judicial proceeding, is the parent or guardian of a juvenile brought before the court, or is participating in a court ordered program.

Summary of Bill:

Presiding officers are required to provide interpreter services at public expense in all stages of legal proceedings when a non-English-speaking person is a party or is compelled to appear. The interpreters must be certified or registered by the Administrative Office of the Courts (AOC) unless good cause is found. When good cause is found, the appointed interpreter must be a qualified interpreter.

Subject to the availability of funds, the AOC must reimburse 50 percent of the cost of interpreters appointed to assist non-English-speaking persons. Similarly, and also subject to the availability of funds, the AOC must reimburse 50 percent of the cost of interpreters appointed to assist hearing impaired persons when the hearing impaired person is a party or witness in a judicial proceeding, is the parent or guardian of a juvenile brought before the court, or is participating in a court ordered program.

Each court that appoints interpreters for non-English-speaking persons is required to track and provide interpreter cost and usage data annually to the AOC.

Appropriation: None.

Fiscal Note: Preliminary fiscal note available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.