

HOUSE BILL REPORT

HB 1727

*As Reported By House Committee on:
Judiciary
Appropriations*

Title: An act relating to interpreters.

Brief Description: Changing provisions relating to interpreters in legal proceedings.

Sponsor(s): Representatives Appelwick, Jacobsen, Paris, Morton, Mielke, Brekke, Anderson, Forner, Day, Vance, R. Johnson and Wineberry.

Brief History:

Reported by House Committee on:
Judiciary, March 6, 1991, DPS;
Appropriations, March 9, 1991, DPS(JUD)-A.

**HOUSE COMMITTEE ON
JUDICIARY**

Majority Report: *That Substitute House Bill No. 1727 be substituted therefor, and the substitute bill do pass.*
Signed by 19 members: Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Paris, Assistant Ranking Minority Member; Belcher; Broback; Forner; Hargrove; Inslee; Locke; R. Meyers; Mielke; H. Myers; Riley; Scott; D. Sommers; Tate; Vance; and Wineberry.

Staff: Pat Shelledy (786-7149).

Background: When a hearing or speech impaired person is a party or a witness to any legal proceeding, the judge must appoint a qualified interpreter to assist the person.

The law does not extend this right to every hearing or speech impaired participant in the legal proceedings or to impaired members of the public observing the proceedings.

"Legal proceedings" means proceedings in any court and hearings before a grand jury, inquiry judge, administrative board, commission, agency, or state or local licensing body. If the proceeding involves a hearing impaired person, the term "legal proceedings" includes but is not limited to those proceedings named above and specifically includes adoption and juvenile proceedings. If the proceeding

involves a juvenile with hearing impaired parents, the court must appoint an interpreter for the parent. A number of other provisions exist for appointment of interpreters including local law enforcement investigations, court ordered participation in diversion, probation, parole, or any other court ordered program or activity.

An "appointing authority" includes a court official, licensing authority, or legislative body of the state or of any political subdivision.

Interpreters must be adequately compensated for their services. The governmental body that initiates a criminal action, grand jury proceeding, coroner's inquest, mental health commitment, or other governmental proceeding must bear the cost. The impaired person must bear the cost in other legal proceedings unless the person is indigent, in which case the governmental agency must bear the cost.

A "qualified interpreter" means an interpreter who is certified by the interpreters registry for the deaf, is able to provide accurate and effective communication between the impaired person and the other participants in the proceeding, and can translate into spoken language. Depending upon the proceeding, an interpreter must meet certain skill levels ranging from a specialist to a partially certified interpreter. An "intermediary interpreter" means a hearing impaired person who is certified by the interpreters registry for the deaf with a reverse skills certificate who is able to assist in providing an accurate interpretation between spoken and sign language by acting as an intermediary between a hearing impaired person and a qualified interpreter.

An interpreter must take an oath in a judicial or administrative proceeding that the interpreter will accurately interpret what is said.

Summary of Substitute Bill: The requirement to provide interpreters in legal proceedings is extended from parties and witnesses to "participants" who, because of the impairment, are unable to effectively obtain due process or to participate in the legal proceeding. If a hearing impaired person is a participant, or a member of the public, at any stage of a legal proceeding, an interpreter must be appointed.

A "participant" is any hearing impaired person who is a party, officer of the court, a counsel, a witness, or a juror. A "member of the public" is a person other than a participant who has asked the governmental body conducting the hearing for an interpreter.

The governmental entity under whose auspices any proceeding is conducted must pay for the appointment of an interpreter in the proceeding. Hearing impaired persons do not bear the cost of interpreters in any proceeding.

The definition of "qualified interpreter" is changed to mean a visual language interpreter who is certified by the state or is certified by the interpreters registry for the deaf to hold the comprehensive skills certificate or both certificates of interpretation and transliteration. The term "intermediary interpreter" is amended to include a person who holds a reverse skills certificate from the state. Interpreters may be obtained through state lists as well as the deaf interpreters registry. "Intermediary interpreters" may be appointed to act as interpreters instead of or in addition to qualified interpreters for hearings involving hearing impaired participants.

An additional requirement of impartiality is added to the requirements for interpreters. Interpreters must take an oath in all legal proceedings, not just judicial or administrative proceedings.

Substitute Bill Compared to Original Bill: The original bill requires the state to bear the cost of all interpreter appointments in legal proceedings.

Fiscal Note: Requested January 29, 1991.

Effective Date of Substitute Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: Original Bill: The current law inadequately provides access to legal proceedings for hearing impaired persons. Opponents of the bill have an economic interest in restricting the number of available interpreters.

Testimony Against: Original Bill: The bill will allow less than fully qualified interpreters to provide critical services. State testing and training of interpreters will be expensive.

Witnesses: Original Bill: Michael Izak, Washington State Association of the Deaf (in favor); Fred DeBerry, Calvary Baptist Deaf Church (in favor); Robert Rummell, Washington State Association of the Deaf (in favor); Elizabeth Broecker, Washington State Association of the Deaf (in favor); Judie Husted, Washington State Registry of Interpreters for the Deaf (opposed); Mary Ruth Mann, attorney (in favor); and Leon Curtis, Department of Social and Health Services, Office of Deaf Services (opposed).

**HOUSE COMMITTEE ON
APPROPRIATIONS**

Majority Report: *The substitute bill by Committee on Judiciary be substituted therefor and the substitute bill as amended by Committee on Appropriations do pass.* Signed by 27 members: Representatives Locke, Chair; Inslee, Vice Chair; Spanel, Vice Chair; Silver, Ranking Minority Member; Morton, Assistant Ranking Minority Member; Appelwick; Belcher; Bowman; Braddock; Brekke; Dorn; Ebersole; Ferguson; Fuhrman; Hine; May; McLean; Mielke; Nealey; Peery; Pruitt; Rust; Sprenkle; Valle; Vance; Wang; and Wineberry.

Staff: Susan Kavanaugh (786-7130).

Summary of Recommendation of Committee on Appropriations Compared to Recommendation of Committee on Judiciary: The bill is substantially reworked to deal solely with certification of interpreters for the hearing impaired at legal proceedings. The methods by which one can become a "qualified" or "intermediary" interpreter for the deaf are broadened. Intermediary, as well as qualified, interpreters may be used at legal proceedings. No change is made to the circumstances in which an interpreter must be provided at a legal proceeding. In this form the bill is estimated to have no fiscal impact.

Fiscal Note: Not requested.

Effective Date of Substitute Bill as Amended: Ninety days after adjournment of session in which bill is passed.

Testimony For: None.

Testimony Against: None.

Witnesses: None.