

# FINAL BILL REPORT

## 2E2SHB 2176

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Synopsis as Enacted

**Brief Description:** Revising provisions involving court interpreters.

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

**House Committee on Judiciary**  
**House Committee on Appropriations**  
**Senate Committee on Judiciary**  
**Senate Committee on Ways & Means**

### **Background:**

State law provides for the appointment of interpreters in legal proceedings for both non-English-speaking persons and hearing impaired persons.

Interpreters must be appointed in all legal proceedings in which a non-English-speaking person is a party or is compelled to appear, and the cost of providing the interpreter is borne by the governmental body conducting the legal proceeding. In all other legal proceedings, the cost of providing an interpreter is borne by the non-English-speaking person unless the person is indigent, in which case the cost is borne by the governmental body conducting the legal proceeding.

The Administrative Office of the Courts (AOC) is responsible for establishing and administering a comprehensive testing and certification program for language interpreters. The AOC certifies court interpreters in six languages: Cantonese, Korean, Laotian, Russian, Spanish, and Vietnamese. A registered interpreter status has been developed for languages where certification is not available.

When an interpreter is appointed in a legal proceeding in which a non-English-speaking person is a party or is compelled to appear, the interpreter must be certified unless the language spoken is not one for which certification is available or the services of a certified interpreter are not reasonably available. In that case, and in other legal proceedings, a qualified interpreter may be appointed. A qualified interpreter means a person who is able to translate spoken or written English for a non-English-speaking person and to translate oral or written statements of a non-English-speaking person into spoken English.

Interpreters for hearing impaired persons must be provided at government expense in legal proceedings where the hearing impaired person is a party or witness, in court-ordered programs or activities, and in law enforcement investigatory interviews. When an interpreter is required for a hearing impaired person, the interpreter must be requested through the Office of Deaf Services in the Department of Social and Health Services or through a community

center interpreter referral service. The interpreter must be able to interpret accurately all communication to and from the hearing impaired person in the particular proceeding, program, or activity.

**Summary:**

Each trial court must develop a written language assistance plan to provide a framework for the provision of interpreter services for non-English-speaking persons accessing the court system in both civil and criminal legal matters. The language assistance plan must include provisions that address a variety of issues, including procedures that:

- assess the language needs of non-English-speaking persons using the courts and provide notice to court users of the right to and availability of interpreter services;
- provide for appointment of interpreters as required by law;
- provide timely communication with non-English speakers by all court employees who have regular contact with the public;
- evaluate the need for translation of written materials and provide for translation of the highest priority materials; and
- provide training to judges and court staff on the requirements of the language assistance plan and provide ongoing evaluation and monitoring of the implementation of the language assistance plan.

Each court must provide to the AOC a report that evaluates the need for, availability of, and estimated cost of providing interpreters in court-mandated classes or programs and the amounts spent annually on interpreter services for fiscal years 2005 through 2009. The AOC must compile these reports and provide them along with specific reimbursements provided annually to each court, to the appropriate committees of the Legislature by December 15, 2009.

Subject to the availability of funds, state reimbursement is required for up to half of the costs of interpreter services provided in legal proceedings for non-English-speaking persons and hearing impaired persons. Where a qualified interpreter is appointed for a hearing impaired person by a judicial officer in a proceeding before a court, the state must reimburse the appointing authority for up to one-half of the payment to the qualified interpreter.

Where an interpreter is appointed at public expense for a non-English-speaking person in a court proceeding, the state must reimburse the appointing authority for up to one-half of the payment to the interpreter if: (1) the interpreter is certified or is a qualified interpreter registered in a non-certified language or, where the necessary language is not certified or registered, the interpreter has been qualified by the judicial officer to interpret in the proceeding; (2) the court conducting the legal proceeding has an approved language assistance plan; and (3) the fee paid to the interpreter meets standards established by the AOC.

**Votes on Final Passage:**

House	98	0	
House	97	0	
Senate	47	2	(Senate amended)

House 93 0 (House concurred)

**Effective:** June 12, 2008