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## Judiciary Committee

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### HB 2176

**Title:** An act relating to interpreter services.

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

**Sponsors:** Representatives Lantz, Warnick, Pedersen, Ross, Hasegawa, Kenney, Santos and Goodman.

Brief Summary of Bill
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| <ul style="list-style-type: none"><li>• Requires each trial court to develop a language assistance plan to provide a framework for the provision of interpreter services in both civil and criminal legal matters.</li><li>• Provides for state reimbursement of half the cost of interpreters appointed in court proceedings if certain conditions are met.</li></ul> |
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**Hearing Date:** 2/20/07

**Staff:** Edie Adams (786-7180).

**Background:**

State law makes provision 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 AOC is responsible for establishing and administering a comprehensive testing and certification program for language interpreters. The AOC certifies court interpreters in six

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*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.*

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 interpret spoken or written English for a non-English-speaking person and to interpret 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 of Bill:**

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;
- ensure that the most competent interpreter reasonably available appears in court;
- 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 Administrative Office of the Courts (AOC) a report that evaluates the need for, availability of, and estimated cost of providing interpreters in court-mandated classes or programs. The AOC must compile these reports and provide them to the appropriate committees of the Legislature by December 15, 2007.

State reimbursement is required for 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 shall reimburse the appointing authority for 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 shall reimburse the appointing authority for one-half of the payment to the

interpreter if: (a) 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; (b) the court conducting the legal proceeding has an approved language assistance plan; and (c) the fee paid to the interpreter meets standards established by the AOC.

**Appropriation:** None.

**Fiscal Note:** Requested on February 16, 2007.

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