

# SENATE BILL REPORT

## SB 6005

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As Reported By Senate Committee On:  
Judiciary, February 28, 2007

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

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

**Sponsors:** Senators Shin, Delvin, Kline, Weinstein and Tom.

**Brief History:**

**Committee Activity:** Judiciary: 2/21/07, 2/28/07 [DPS].

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### SENATE COMMITTEE ON JUDICIARY

**Majority Report:** That Substitute Senate Bill No. 6005 be substituted therefor, and the substitute bill do pass.

Signed by Senators Kline, Chair; Tom, Vice Chair; Carrell, Hargrove, Murray, Roach and Weinstein.

**Staff:** Dawn Noel (786-7472)

**Background:** State law requires 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 initiating 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 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 a certified interpreter is 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

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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: (1) assess the language needs of non-English-speaking persons using the courts; (2) provide notice to court users of the right to and availability of interpreter services; (3) ensure that the most competent interpreter reasonably available appears in court; (4) provide training to judges and court staff regarding the language assistance plan; and (5) provide ongoing monitoring, evaluation and implementation of the 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.

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 must reimburse the appointing authority for one-half of the payment to the qualified interpreter if: (1) an interpreter is requested through the Office of Deaf Services or a community center interpreter referral service; (2) the appointing authority makes a preliminary determination, based on the testimony and stated needs of the hearing impaired person, that the interpreter is able to accurately interpret all communication to and from the hearing impaired person; (3) in the event that the hearing impaired person or qualified observer believes that the interpreter is not providing accurate, impartial, and effective communication with the hearing impaired person, the appointing authority appoints another qualified interpreter; and (4) the fee paid to the interpreter meets standards established by the Office of Deaf Services.

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 one-half of the payment to the interpreter if: (1) the interpreter is certified or is a qualified interpreter registered in a language for which certification is available, or where certification is unavailable for the necessary language, the interpreter has been qualified by the judicial officer to interpret 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.

**EFFECT OF CHANGES MADE BY RECOMMENDED SUBSTITUTE AS PASSED COMMITTEE (Judiciary):** It is clarified that a trial court's language assistance plan must have procedures for appointing interpreters in court proceedings in accordance with current law standards.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

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

**Staff Summary of Public Testimony:** PRO: The United States is blessed with a background composed of 187 languages. This bill means that we will have certified and qualified interpreters in this state, which we need. Access to justice is the ability to be heard, and sometimes the only way to protect one's rights is through a court interpreter. This bill asks that this state partner with local courts to make the promise of certified and qualified interpreters a reality. Certified and qualified interpreters are very expensive, an expense that local jurisdictions are bearing by themselves. People across the state are working together with the Interpreter Commission to develop a model for local courts to use based on the most prevalent local languages. The proposed amendment to the bill accomplishes what we'd like to see happen.

**Persons Testifying:** PRO: Senator Shin, prime sponsor; Judge Michael Spearman, Jeff Hall, Board for Judicial Administration; Kenneth Barger, Washington State Court Interpreters, Translators Society.

Signed in, Unable to Testify & Submitted Written Testimony: PRO: Emma Garkavi, Washington State Court Interpreters, Translators Society.