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SECOND SUBSTITUTE HOUSE BILL 2176

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State of Washington

60th Legislature

2007 Regular Session

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

READ FIRST TIME 3/5/07.

1 AN ACT Relating to interpreter services; amending RCW 2.42.120 and  
2 2.43.040; adding a new section to chapter 2.43 RCW; and creating a new  
3 section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 2.43 RCW  
6 to read as follows:

7 (1) Each trial court organized under this title and Titles 3 and 35  
8 RCW must develop a written language assistance plan to provide a  
9 framework for the provision of interpreter services for non-English-  
10 speaking persons accessing the court system in both civil and criminal  
11 legal matters. The language assistance plan must include, at a  
12 minimum, provisions addressing the following:

13 (a) Procedures to identify and assess the language needs of non-  
14 English-speaking persons using the court system;

15 (b) Procedures for the appointment of interpreters as required  
16 under RCW 2.43.030. Such procedures shall not require the non-English-  
17 speaking person to make the arrangements for the interpreter to appear  
18 in court;

1 (c) Procedures for notifying court users of the right to and  
2 availability of interpreter services. Such information shall be  
3 prominently displayed in the courthouse in the five foreign languages  
4 that census data indicates are predominate in the jurisdiction;

5 (d) A process for providing timely communication with non-English  
6 speakers by all court employees who have regular contact with the  
7 public and meaningful access to court services, including access to  
8 services provided by the clerk's office;

9 (e) Procedures for evaluating the need for translation of written  
10 materials, prioritizing those translation needs, and translating the  
11 highest priority materials. These procedures should take into account  
12 the frequency of use of forms by the language group, and the cost of  
13 orally interpreting the forms;

14 (f) A process for requiring and providing training to judges, court  
15 clerks, and other court staff on the requirements of the language  
16 assistance plan and how to effectively access and work with  
17 interpreters; and

18 (g) A process for ongoing evaluation of the language assistance  
19 plan and monitoring of the implementation of the language assistance  
20 plan.

21 (2) Each court, when developing its language assistance plan, must  
22 consult with judges, court administrators and court clerks,  
23 interpreters, and members of the community, such as domestic violence  
24 organizations, pro bono programs, courthouse facilitators, legal  
25 services programs, and/or other community groups whose members speak a  
26 language other than English.

27 (3) Each court must provide a copy of its language assistance plan  
28 to the interpreter commission established by supreme court rule for  
29 approval prior to receiving state reimbursement for interpreter costs  
30 under this chapter.

31 (4) Each court must provide to the administrative office of the  
32 courts by November 15, 2007, a report detailing an assessment of the  
33 need for interpreter services for non-English speakers in  
34 court-mandated classes or programs, the extent to which interpreter  
35 services are currently available for court-mandated classes or  
36 programs, and the resources that would be required to ensure that  
37 interpreters are provided to non-English speakers in court-mandated

1 classes or programs. The administrative office of the courts shall  
2 compile these reports and provide them to the appropriate committees of  
3 the legislature by December 15, 2007.

4 **Sec. 2.** RCW 2.42.120 and 1985 c 389 s 12 are each amended to read  
5 as follows:

6 (1) If a hearing impaired person is a party or witness at any stage  
7 of a judicial or quasi-judicial proceeding in the state or in a  
8 political subdivision, including but not limited to civil and criminal  
9 court proceedings, grand jury proceedings, proceedings before a  
10 magistrate, juvenile proceedings, adoption proceedings, mental health  
11 commitment proceedings, and any proceeding in which a hearing impaired  
12 person may be subject to confinement or criminal sanction, the  
13 appointing authority shall appoint and pay for a qualified interpreter  
14 to interpret the proceedings.

15 (2) If the parent, guardian, or custodian of a juvenile brought  
16 before a court is hearing impaired, the appointing authority shall  
17 appoint and pay for a qualified interpreter to interpret the  
18 proceedings.

19 (3) If a hearing impaired person participates in a program or  
20 activity ordered by a court as part of the sentence or order of  
21 disposition, required as part of a diversion agreement or deferred  
22 prosecution program, or required as a condition of probation or parole,  
23 the appointing authority shall appoint and pay for a qualified  
24 interpreter to interpret exchange of information during the program or  
25 activity.

26 (4) If a law enforcement agency conducts a criminal investigation  
27 involving the interviewing of a hearing impaired person, whether as a  
28 victim, witness, or suspect, the appointing authority shall appoint  
29 and pay for a qualified interpreter throughout the investigation.  
30 Whenever a law enforcement agency conducts a criminal investigation  
31 involving the interviewing of a minor child whose parent, guardian, or  
32 custodian is hearing impaired, whether as a victim, witness, or  
33 suspect, the appointing authority shall appoint and pay for a qualified  
34 interpreter throughout the investigation. No employee of the law  
35 enforcement agency who has responsibilities other than interpreting may  
36 be appointed as the qualified interpreter.

1 (5) If a hearing impaired person is arrested for an alleged  
2 violation of a criminal law the arresting officer or the officer's  
3 supervisor shall, at the earliest possible time, procure and arrange  
4 payment for a qualified interpreter for any notification of rights,  
5 warning, interrogation, or taking of a statement. No employee of the  
6 law enforcement agency who has responsibilities other than interpreting  
7 may be appointed as the qualified interpreter.

8 (6) Where it is the policy and practice of a court of this state or  
9 of a political subdivision to appoint and pay counsel for persons who  
10 are indigent, the appointing authority shall appoint and pay for a  
11 qualified interpreter for hearing impaired persons to facilitate  
12 communication with counsel in all phases of the preparation and  
13 presentation of the case.

14 (7) Where a qualified interpreter is appointed for a hearing  
15 impaired person by a judicial officer in a proceeding before a court  
16 under subsection (1), (2), or (3) of this section in compliance with  
17 the provisions of RCW 2.42.130 and 2.42.170, the state of Washington  
18 shall reimburse the appointing authority for one-half of the payment to  
19 the interpreter.

20 **Sec. 3.** RCW 2.43.040 and 1989 c 358 s 4 are each amended to read  
21 as follows:

22 (1) Interpreters appointed according to this chapter are entitled  
23 to a reasonable fee for their services and shall be reimbursed for  
24 actual expenses which are reasonable as provided in this section.

25 (2) In all legal proceedings in which the non-English-speaking  
26 person is a party, or is subpoenaed or summoned by the appointing  
27 authority or is otherwise compelled by the appointing authority to  
28 appear, including criminal proceedings, grand jury proceedings,  
29 coroner's inquests, mental health commitment proceedings, and other  
30 legal proceedings initiated by agencies of government, the cost of  
31 providing the interpreter shall be borne by the governmental body  
32 initiating the legal proceedings.

33 (3) In other legal proceedings, the cost of providing the  
34 interpreter shall be borne by the non-English-speaking person unless  
35 such person is indigent according to adopted standards of the body. In  
36 such a case the cost shall be an administrative cost of the

1 governmental body under the authority of which the legal proceeding is  
2 conducted.

3 (4) The cost of providing the interpreter is a taxable cost of any  
4 proceeding in which costs ordinarily are taxed.

5 (5) Where an interpreter is appointed by a judicial officer in a  
6 proceeding before a court at public expense, the state of Washington  
7 shall reimburse the appointing authority for one-half of the payment to  
8 the interpreter where:

9 (a) The interpreter appointed is an interpreter certified by the  
10 administrative office of the courts or is a qualified interpreter  
11 registered by the administrative office of the courts in a noncertified  
12 language, or where the necessary language is not certified or  
13 registered, the interpreter has been qualified by the judicial officer  
14 pursuant to this chapter;

15 (b) The court conducting the legal proceeding has an approved  
16 language assistance plan that complies with section 1 of this act; and

17 (c) The fee paid to the interpreter for services is in accordance  
18 with standards established by the administrative office of the courts.

19 NEW SECTION. Sec. 4. If specific funding for the purposes of this  
20 act, referencing this act by bill or chapter number, is not provided by  
21 June 30, 2007, in the omnibus appropriations act, this act is null and  
22 void.

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