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**HOUSE BILL 2006**

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**State of Washington 68th Legislature 2024 Regular Session**

**By** Representatives Peterson, Mena, Ryu, Ramel, Cortes, Reed, Ormsby, Kloba, Cheney, Doglio, Goodman, Thai, Ortiz-Self, Lekanoff, Hackney, and Davis; by request of Administrative Office of the Courts

AN ACT Relating to court interpreters; amending RCW 2.43.010, 2.43.030, 2.43.050, 2.43.060, 2.43.080, 2.43.070, 2.43.040, 2.43.090, 2.56.030, 7.105.245, 13.04.043, and 2.42.120; reenacting and amending RCW 2.43.020; adding new sections to chapter 2.43 RCW; and recodifying RCW 2.43.040 and 2.43.080.

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

**Sec.**  RCW 2.43.010 and 1989 c 358 s 1 are each amended to read as follows:

It is hereby declared to be the policy of this state to secure the rights, constitutional or otherwise, of persons who, because of a non-English-speaking cultural background, are unable to readily understand or communicate in the English language, and who consequently cannot be fully protected in legal proceedings unless ((~~qualified~~)) interpreters are available to assist them.

It is the intent of the legislature in the passage of this chapter to provide for the use and procedure for the appointment of such interpreters. ((~~Nothing in chapter 358, Laws of 1989 abridges the parties' rights or obligations under other statutes or court rules or other law.~~))

**Sec.**  RCW 2.43.020 and 2010 c 190 s 2 are each reenacted and amended to read as follows:

As used in this chapter:

(1) ((~~"Appointing authority" means the presiding officer or similar official of any court, department, board, commission, agency, licensing authority, or legislative body of the state or of any political subdivision thereof.~~

~~(2) "Certified interpreter" means an interpreter who is certified by the administrative office of the courts.~~

~~(3)~~)) "Credentialed interpreter" means an interpreter who is credentialed by the administrative office of the courts in a spoken language.

(2) "Judicial officer" means a judge, commissioner, or magistrate of any court.

(3) "Language access plan" means a plan that is publicly available which contains the elements required by RCW 2.43.090.

(4) "Legal proceeding" means ((~~a~~)) any proceeding in any court ((~~in this state, grand jury hearing, or hearing~~)), and in any type of hearing before ((~~an inquiry judge,~~)) a judicial officer, an administrative law judge, or before an administrative board, commission, agency, or licensing body of the state or any political subdivision ((~~thereof~~)).

((~~(4) "Non-English-speaking person"~~)) (5) "Person with limited English proficiency" means ((~~any~~)) a person involved in a legal proceeding who cannot readily speak or understand the English language, but does not include ((~~hearing-impaired persons~~)) deaf, deaf-blind, and hard of hearing individuals who are covered under chapter 2.42 RCW.

((~~(5) "Qualified interpreter" means a person who is able readily to interpret or translate spoken and written English for non-English-speaking persons and to interpret or translate oral or written statements of non-English-speaking persons into spoken English.~~))

(6) ((~~"Registered interpreter" means an interpreter who is registered by the administrative office of the courts.~~)) "Presiding officer" means the judicial officer or similar official of any court, department, board, commission, agency, or licensing authority of the state or of any political subdivision thereof.

**Sec.**  RCW 2.43.030 and 2005 c 282 s 3 are each amended to read as follows:

(1) ((~~Whenever an interpreter is appointed to assist a non-English-speaking person in a legal proceeding, the appointing authority shall, in the absence of a written waiver by the person, appoint a certified or a qualified interpreter to assist the person throughout the proceedings.~~

~~(a) Except as otherwise provided for in (b) of this subsection, the interpreter appointed shall be a qualified interpreter.~~

~~(b) Beginning on July 1, 1990, when a non-English-speaking person is a party to a legal proceeding, or is subpoenaed or summoned by an appointing authority or is otherwise compelled by an appointing authority to appear at a legal proceeding, the appointing authority shall use the services of only those language interpreters who have been certified by the administrative office of the courts, unless good cause is found and noted on the record by the appointing authority. For purposes of chapter 358, Laws of 1989, "good cause" includes but is not limited to a determination that:~~

~~(i) Given the totality of the circumstances, including the nature of the proceeding and the potential penalty or consequences involved, the services of a certified interpreter are not reasonably available to the appointing authority; or~~

~~(ii) The current list of certified interpreters maintained by the administrative office of the courts does not include an interpreter certified in the language spoken by the non-English-speaking person.~~

~~(c) Except as otherwise provided in this section, when a non-English-speaking person is involved in a legal proceeding, the appointing authority shall appoint a qualified interpreter.~~)) (a) Credentialed interpreters shall be appointed in legal proceedings involving participation of persons with limited English proficiency, unless good cause is found on the record for appointing a noncredentialed interpreter.

(b) For purposes of this chapter, "good cause" includes, but is not limited to, a determination that:

(i) Given the totality of the circumstances, including the nature of the proceeding and the potential penalty or consequences involved, the services of a credentialed interpreter are not reasonably available; or

(ii) The current list of interpreters maintained by the administrative office of the courts does not include an interpreter credentialed in the language spoken by the person with limited English proficiency.

(2) If good cause is found for using an interpreter who is not ((~~certified or if a qualified interpreter is appointed, the appointing authority shall make a preliminary determination, on the basis of testimony or stated needs of the non-English-speaking person, that the proposed interpreter is able to interpret accurately all communications to and from such person in that particular proceeding. The appointing authority shall satisfy itself on the record that the proposed interpreter:~~

~~(a) Is capable of communicating effectively with the court or agency and the person for whom the interpreter would interpret; and~~

~~(b) Has read, understands, and will abide by the code of ethics for language interpreters established by court rules~~)) credentialed, the judicial or presiding officer shall make a preliminary determination that the proposed interpreter is able to interpret accurately all communications to and from the person with limited English proficiency in that particular proceeding. The determination shall be made on the basis of testimony or stated needs of the person with limited English proficiency.

(3) The judicial or presiding officer shall satisfy itself and state on the record that:

(a) The proposed interpreter is capable of communicating effectively in English and in the non-English language. If the interpreter is assigned to interpret between two non-English languages (relay interpreter), the interpreter shall not be required to communicate in English;

(b) The proposed interpreter has read, understands, and will abide by the code of professional responsibility for judiciary interpreters established by court rule. If the interpreter does not meet this requirement, the interpreter may be given time to review the code of professional responsibility for judiciary interpreters; and

(c) The person with limited English proficiency can understand the interpreter.

(4) The court shall inquire whether the interpreter can accurately interpret in the consecutive mode and whether the interpreter can accurately interpret in the simultaneous mode.

(5) If the proposed interpreter does not meet the criteria in subsection (3) of this section, another interpreter must be used.

**Sec.**  RCW 2.43.050 and 2017 c 83 s 2 are each amended to read as follows:

(1)(a) Upon ((~~certification or registration with the administrative office of the courts, certified or registered~~)) obtaining an interpreter credential with the administrative office of the courts, credentialed interpreters shall take ((~~an~~)) a permanent oath, affirming that the interpreter will make a true interpretation ((~~to the person being examined~~)) of all the proceedings ((~~in a language which the person understands,~~)) and that the interpreter will repeat the statements of the person ((~~being examined~~)) with limited English proficiency to the court or agency conducting the proceedings, in the English language, to the best of the interpreter's skill and judgment.

(b) The administrative office of the courts shall maintain the list of credentialed interpreters and a record of the oath in the same manner ((~~that the list of certified and registered interpreters is maintained~~)).

(2) Before any person serving as an interpreter for the court or agency begins to interpret, the ((~~appointing authority~~)) judicial or presiding officer shall require the interpreter to state the interpreter's name on the record and whether the interpreter is a ((~~certified or registered~~)) credentialed interpreter. If the interpreter is not a ((~~certified or registered~~)) credentialed interpreter, the interpreter must ((~~submit the interpreter's qualifications~~)) be qualified on the record.

(3) Before beginning to interpret, every interpreter appointed under this chapter shall take an oath unless the interpreter is a ((~~certified or registered~~)) credentialed interpreter who has taken the oath as required in subsection (1) of this section. The oath must affirm that the interpreter will make a true interpretation to the person being examined of all the proceedings in a language which the person understands, and that the interpreter will repeat the statements of the person being examined to the court or agency conducting the proceedings, in the English language, to the best of the interpreter's skill and judgment.

**Sec.**  RCW 2.43.060 and 1989 c 358 s 6 are each amended to read as follows:

(1) The right to ((~~a qualified~~)) an interpreter may not be waived except when:

(a) A ((~~non-English-speaking~~)) person with limited English proficiency requests a waiver on the record; and

(b) The ((~~appointing authority~~)) judicial or presiding officer determines on the record that the waiver has been made knowingly, voluntarily, and intelligently.

(2) ((~~Waiver of a qualified interpreter~~)) The waiver of the right to an interpreter may be set aside and an interpreter appointed((~~, in~~)) at the discretion of the ((~~appointing authority,~~)) judicial or presiding officer at any time during the proceedings.

(3) The waiver of the right to an interpreter does not preclude a person with limited English proficiency from exercising the right to an interpreter at a later time.

**Sec.**  RCW 2.43.080 and 1989 c 358 s 8 are each amended to read as follows:

All language interpreters serving in a legal proceeding, whether or not ((~~certified or qualified~~)) credentialed, shall abide by a code of ((~~ethics~~)) professional responsibility for judiciary interpreters established by supreme court rule.

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

The court shall appoint a team of interpreters as required by supreme court rule.

**Sec.**  RCW 2.43.070 and 2005 c 282 s 4 are each amended to read as follows:

(1) Subject to the availability of funds, the administrative office of the courts shall establish and maintain a credentialing program for spoken language interpreters and administer ((~~a~~)) comprehensive testing ((~~and certification program for language interpreters~~)).

(2) The administrative office of the courts shall work cooperatively with ((~~community colleges and other~~)) public or private ((~~or public~~)) educational institutions, and with other public or private organizations to establish ((~~a certification preparation curriculum and~~)) suitable training programs and engage in recruitment efforts to ensure the availability of ((~~certified~~)) credentialed interpreters. Training programs shall be made readily available in both eastern and western Washington locations.

(3) The administrative office of the courts shall establish and adopt standards of proficiency, written and oral, in English and the language to be interpreted.

(4) The administrative office of the courts shall conduct periodic examinations to ensure the availability of ((~~certified~~)) credentialed interpreters. Periodic examinations shall be made readily available in both eastern and western Washington locations.

(5) The administrative office of the courts shall compile, maintain, and disseminate a current list of interpreters ((~~certified~~)) credentialed by the office.

(6) The administrative office of the courts may charge reasonable fees for testing, training, and ((~~certification~~)) credentialing.

(7) The administrative office of the courts may create different credentials and provide guidance for the selection and use of credentialed and noncredentialed interpreters to ensure the highest standards of accuracy are maintained in all judicial proceedings.

**Sec.**  RCW 2.43.040 and 2023 c 102 s 1 are each amended to read as follows:

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

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

~~(3) In other legal proceedings, the cost of providing the interpreter shall be borne by the non-English-speaking person unless such person is indigent according to adopted standards of the body. In such a case the cost shall be an administrative cost of the governmental body under the authority of which the legal proceeding is conducted.~~

~~(4)~~)) and court-mandated classes in which the person with limited English proficiency is a party, is subpoenaed or summoned, are parents, guardians, or custodians of a juvenile, or is compelled to appear, the person with limited English proficiency is not responsible for the cost of the interpreter.

(3) Subject to the availability of funds specifically appropriated ((~~therefor~~)) for this purpose, the administrative office of the courts shall reimburse the ((~~appointing authority for up to one-half of the payment to the interpreter where an interpreter is appointed by a judicial officer in a proceeding before a court at public expense and:~~

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

~~(b) The court conducting the legal proceeding has an approved language assistance plan that complies with RCW 2.43.090; and~~

~~(c) The fee paid to the interpreter for services is in accordance with standards established by the administrative office of the courts~~)) participating state court for language access services costs in accordance with terms of agreement established by the administrative office of the courts and agreed to by the participating state court.

**Sec.**  RCW 2.43.090 and 2008 c 291 s 1 are each amended to read as follows:

(1) ((~~Each trial court~~)) Trial courts organized under this title and Titles 3 and 35 RCW must develop and maintain a written language ((~~assistance~~)) access plan to provide a framework for the provision of ((~~interpreter~~)) language access services for ((~~non-English-speaking~~)) persons with limited English proficiency accessing the court system and its programs in both civil and criminal legal matters. Courts may use a template developed by the administrative office of the courts in developing their language access plan.

(2) The language ((~~assistance~~)) access plan must at a minimum include((~~, at a minimum, provisions addressing~~)) provisions designed to provide procedures for court staff and the public, as may be necessary, that address the following:

(a) Procedures to identify and ((~~assess~~)) provide the language needs of ((~~non-English-speaking~~)) persons with limited English proficiency using the court system;

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

(c) Procedures for notifying court users of the right to an interpreter and the availability of interpreter services. Such information shall be prominently displayed in the courthouse in the five ((~~foreign~~)) or more languages other than English that ((~~census~~)) reputable data indicates are predominate in the jurisdiction;

(d) A process for providing timely communication ((~~with non-English speakers by~~)) between individuals with limited English proficiency and all court employees who have regular contact with the public and ((~~meaningful~~)) effective access to court ((~~services, including access to~~)) services provided by the clerk's office and other court-managed programs;

(e) Procedures for evaluating the need for translation of written materials, and prioritizing and providing those ((~~translation needs, and translating the highest priority materials. These procedures~~)) translated materials. Courts should take into account the frequency of use of forms by the language group, and the cost of ((~~orally interpreting~~)) providing the forms by other means;

(f) A process for ((~~requiring and providing~~)) training ((~~to~~)) judges, court clerks, and ((~~other~~)) court staff on ((~~the requirements of the language assistance plan~~)) best practices in serving individuals with limited English proficiency in legal proceedings and how to effectively ((~~access~~)) assign and work with interpreters and provide interpretation; and

(g) A process for an ongoing evaluation of the language ((~~assistance~~)) access plan and a process for monitoring ((~~of~~)) the implementation of the language ((~~assistance~~)) access plan.

((~~(2)~~)) (3) Each court, when developing its language ((~~assistance~~)) access plan, must consult with judges, court administrators ((~~and~~)), court staff, court clerks, interpreters, and members of the community, such as domestic violence organizations, pro bono programs, courthouse facilitators, legal services programs, and/or other community groups whose members speak a language other than English.

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

~~(4) Each court receiving reimbursement for interpreter costs under RCW 2.42.120 or 2.43.040 must provide to the administrative office of the courts by November 15, 2009, a report detailing an assessment of the need for interpreter services for non~~‑~~English speakers in court~~‑~~mandated classes or programs, the extent to which interpreter services are currently available for court~~‑~~mandated classes or programs, and the resources that would be required to ensure that interpreters are provided to non~~‑~~English speakers in court~~‑~~mandated classes or programs. The report shall also include the amounts spent annually on interpreter services for fiscal years 2005, 2006, 2007, 2008, and 2009. The administrative office of the courts shall compile these reports and provide them along with the specific reimbursements provided, by court and fiscal year, to the appropriate committees of the legislature by December 15, 2009.~~))

(4) Beginning January 1, 2025, and every two years thereafter, all courts must submit their most recent language access plan to the administrative office of the courts.

(5) The administrative office of the courts shall provide technical assistance to trial courts in developing their language access plans.

(6) Each court must provide a copy of its language access plan to the administrative office of the courts in accordance with criteria for approval recommended by the interpreter and language access commission for approval prior to receiving state reimbursement for interpreter costs under this chapter.

(7) Each court shall make available on its website translated information that informs the public of procedures necessary to access a court's language access services and programs. The information shall be provided in five or more languages other than English that reputable data indicates are predominant in the jurisdiction.

**Sec.**  RCW 2.56.030 and 2019 c 271 s 5 are each amended to read as follows:

The administrator for the courts shall, under the supervision and direction of the chief justice:

(1) Examine the administrative methods and systems employed in the offices of the judges, clerks, stenographers, and employees of the courts and make recommendations, through the chief justice, for the improvement of the same;

(2) Examine the state of the dockets of the courts and determine the need for assistance by any court;

(3) Make recommendations to the chief justice relating to the assignment of judges where courts are in need of assistance and carry out the direction of the chief justice as to the assignments of judges to counties and districts where the courts are in need of assistance;

(4) Collect and compile statistical and other data and make reports of the business transacted by the courts and transmit the same to the chief justice to the end that proper action may be taken in respect thereto;

(5) Prepare and submit budget estimates of state appropriations necessary for the maintenance and operation of the judicial system and make recommendations in respect thereto;

(6) Collect statistical and other data and make reports relating to the expenditure of public moneys, state and local, for the maintenance and operation of the judicial system and the offices connected therewith;

(7) Obtain reports from clerks of courts in accordance with law or rules adopted by the supreme court of this state on cases and other judicial business in which action has been delayed beyond periods of time specified by law or rules of court and make report thereof to supreme court of this state;

(8) Act as secretary of the judicial conference referred to in RCW 2.56.060;

(9) Submit annually, as of February 1st, to the chief justice, a report of the activities of the administrator's office for the preceding calendar year including activities related to courthouse security;

(10) Administer programs and standards for the training and education of judicial personnel;

(11) Examine the need for new superior court and district court judge positions under an objective workload analysis. The results of the objective workload analysis shall be reviewed by the board for judicial administration which shall make recommendations to the legislature. It is the intent of the legislature that an objective workload analysis become the basis for creating additional district and superior court positions, and recommendations should address that objective;

(12) Provide staff to the judicial retirement account plan under chapter 2.14 RCW;

(13) Attend to such other matters as may be assigned by the supreme court of this state;

(14) Within available funds, develop a curriculum for a general understanding of child development, placement, and treatment resources, as well as specific legal skills and knowledge of relevant statutes including chapters 13.32A, 13.34, and 13.40 RCW, cases, court rules, interviewing skills, and special needs of the abused or neglected child. This curriculum shall be completed and made available to all juvenile court judges, court personnel, and service providers and be updated yearly to reflect changes in statutes, court rules, or case law;

(15) Develop, in consultation with the entities set forth in RCW 2.56.150(3), a comprehensive statewide curriculum for persons who act as guardians ad litem under Title 13 or 26 RCW. The curriculum shall be made available July 1, 2008, and include specialty sections on child development, child sexual abuse, child physical abuse, child neglect, domestic violence, clinical and forensic investigative and interviewing techniques, family reconciliation and mediation services, and relevant statutory and legal requirements. The curriculum shall be made available to all superior court judges, court personnel, and all persons who act as guardians ad litem;

(16) Develop a curriculum for a general understanding of hate crime offenses, as well as specific legal skills and knowledge of RCW 9A.36.080, relevant cases, court rules, and the special needs of hate crime offense victims. This curriculum shall be made available to all superior court and court of appeals judges and to all justices of the supreme court;

(17) Develop, in consultation with the criminal justice training commission and the commissions established under chapters 43.113, 43.115, and 43.117 RCW, a curriculum for a general understanding of ethnic and cultural diversity and its implications for working with youth of color and their families. The curriculum shall be available to all superior court judges and court commissioners assigned to juvenile court, and other court personnel. Ethnic and cultural diversity training shall be provided annually so as to incorporate cultural sensitivity and awareness into the daily operation of juvenile courts statewide;

(18) Authorize the use of closed circuit television and other electronic equipment in judicial proceedings. The administrator shall promulgate necessary standards and procedures and shall provide technical assistance to courts as required;

(19) Develop a Washington family law handbook in accordance with RCW 2.56.180;

(20) Administer state funds for improving the operation of the courts and provide support for court coordinating councils, under the direction of the board for judicial administration;

(21) Administer the family and juvenile court improvement grant program;

(22)(a) Administer and distribute amounts appropriated under RCW 43.08.250(2) for district court judges' and qualifying elected municipal court judges' salary contributions. The administrator for the courts shall develop a distribution formula for these amounts that does not differentiate between district and elected municipal court judges.

(b) A city qualifies for state contribution of elected municipal court judges' salaries under (a) of this subsection if:

(i) The judge is serving in an elected position;

(ii) The city has established by ordinance that a full-time judge is compensated at a rate equivalent to at least ninety-five percent, but not more than one hundred percent, of a district court judge salary or for a part-time judge on a pro rata basis the same equivalent; and

(iii) The city has certified to the office of the administrator for the courts that the conditions in (b)(i) and (ii) of this subsection have been met;

(23) Subject to the availability of funds specifically appropriated therefor, assist courts in the development and implementation of language ((~~assistance~~)) access plans required under RCW 2.43.090.

**Sec.**  RCW 7.105.245 and 2021 c 215 s 33 are each amended to read as follows:

(1) Pursuant to chapter 2.42 RCW, in order to ensure that parties have meaningful access to the court, an interpreter shall be appointed for any party who is deaf, hard of hearing, deaf-blind, or has a speech impairment and cannot readily understand or communicate in spoken language. Notwithstanding the provisions of chapter 2.42 RCW, the court shall not:

(a) Appoint an interpreter who is not credentialed or duly qualified by the court to provide interpretation services; or

(b) Appoint a person to provide interpretation services if that person is serving as an advocate for the party.

(2) Pursuant to chapter 2.43 RCW, in order to ensure that parties have meaningful access to the court, an interpreter shall be appointed for any party who ((~~cannot readily speak or understand the English language~~)) has limited English proficiency. Notwithstanding the provisions of chapter 2.43 RCW, the court shall not:

(a) Appoint an interpreter who is not credentialed or duly qualified by the court to provide interpretation services; or

(b) Appoint a person to provide interpretation services if that person is serving as an advocate for the party.

(3) Once an interpreter has been appointed for a party, the party shall no longer be required to make further requests for the appointment of an interpreter for subsequent hearings or proceedings. The clerk shall identify the party as a person who needs interpreter services and the clerk or the court administrator shall be responsible for ensuring that an interpreter is available for every subsequent hearing.

(4) The interpreter shall interpret for the party meeting with either counsel or court staff, or both, for the purpose of preparing forms and participating in the hearing and court-ordered assessments, and the interpreter shall sight translate any orders.

(5) The same interpreter shall not serve parties on both sides of the proceeding when not on the record, nor shall the interpreter appointed by the court for the proceeding be the same interpreter appointed for any court-ordered assessments, unless the court finds good cause on the record to do so because it is not possible to obtain more than one interpreter for the proceeding, or the safety of the litigants is not compromised, or any other reasons identified by the court.

(6) Courts shall make a private space available for parties, counsel, and/or court staff and interpreters to sight translate any written documents or to meet and confer.

(7) When a hearing is conducted through telephone, video, or other electronic means, the court must make appropriate arrangements to permit interpreters to serve the parties and the court as needed.

**Sec.**  RCW 13.04.043 and 1993 c 415 s 6 are each amended to read as follows:

The administrator of juvenile court shall obtain interpreters as needed consistent with the intent and practice of chapter 2.43 RCW, to enable ((~~non-English-speaking~~)) youth with limited English proficiency and their families to participate in detention, probation, or court proceedings and programs.

NEW SECTION. **Sec.**  RCW 2.43.040 and 2.43.080 are each recodified as sections in chapter 2.43 RCW.

**Sec.**  RCW 2.42.120 and 2008 c 291 s 2 are each amended to read as follows:

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

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

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

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

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

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

((~~(7)~~)) (4) Subject to the availability of funds specifically appropriated therefor, the administrative office of the courts shall reimburse the appointing authority for up to one-half of the payment to the interpreter where a qualified interpreter is appointed for a hearing impaired person by a judicial officer in a proceeding before a court under subsection (1)((~~,~~)) or (2)((~~, or (3)~~)) of this section in compliance with the provisions of RCW 2.42.130 and 2.42.170.

**--- END ---**