

2 **ESHB 1727** - S COMM AMD
3 By Committee on Law & Justice

4 Adopted 4/12/91 - Voice Vote
5 Strike everything after the enacting clause and insert the
6 following:

7 "Sec. 1. RCW 2.42.110 and 1985 c 389 s 11 are each amended to read
8 as follows:

9 As used in this chapter, the following terms have the meanings
10 indicated unless the context clearly requires otherwise.

11 (1) (~~("Hearing")~~) "Impaired person" means a person who, because of
12 a hearing or speech impairment, cannot readily understand or
13 communicate in spoken language; and includes persons who are deaf, deaf
14 and blind, speech impaired, or hard of hearing.

15 (2) "Qualified interpreter" means (~~(an interpreter who is certified~~
16 ~~by the registry of interpreters for the deaf with the certificate level~~
17 ~~specified below and who meets the requirements of RCW 2.42.130.~~

18 ~~(a) For judicial proceedings involving a class A felony, use of the~~
19 ~~services of a qualified interpreter holding the specialist certificate~~
20 ~~legal is required.~~

21 ~~(b) For other judicial, quasi-judicial, or administrative~~
22 ~~proceedings, use of the services of a qualified interpreter holding the~~
23 ~~specialist certificate legal, master's comprehensive skills~~
24 ~~certificate, or comprehensive skills certificate is required.~~

25 ~~(c) For programs and activities other than judicial or~~
26 ~~administrative proceedings, the services of a qualified interpreter~~
27 ~~holding a partial certification shall be required. Efforts to obtain~~
28 ~~the services of a qualified interpreter holding the master's~~

1 ~~comprehensive certificate or comprehensive skills certificate shall be~~
2 ~~made before obtaining the services of a qualified interpreter holding~~
3 ~~the interpreting certificate and/or the transliterating certificate))~~
4 a visual language interpreter who is certified by the state or is
5 certified by the registry of interpreters for the deaf to hold the
6 comprehensive skills certificate or both certificates of interpretation
7 and transliteration, or an interpreter who can readily translate
8 statements of speech impaired persons into spoken language.

9 ((+4)) (3) "Intermediary interpreter" means a hearing impaired
10 interpreter who holds a reverse skills certificate by the state or is
11 certified by the registry of interpreters for the deaf with a reverse
12 skills certificate, who meets the requirements of RCW 2.42.130, and who
13 is able to assist in providing an accurate interpretation between
14 spoken and sign language or between variants of sign language by acting
15 as an intermediary between a hearing impaired person and a qualified
16 hearing interpreter.

17 ((+5)) (4) "Appointing authority" means the presiding officer or
18 similar official of any court, department, board, commission, agency,
19 licensing authority, or legislative body of the state or of any
20 political subdivision."

21 "Sec. 2. RCW 2.42.130 and 1985 c 389 s 13 are each amended to read
22 as follows:

23 (1) If a qualified interpreter for a hearing impaired person is
24 required, the appointing authority shall request a qualified
25 interpreter and/or an intermediary interpreter through the department
26 of social and health services, office of deaf services, or through any
27 community center for hearing impaired persons which operates an
28 interpreter referral service. The office of deaf services and these
29 community centers shall maintain an up-to-date list or lists of

1 interpreters that are certified by the state and/or by the registry of
2 interpreters for the deaf.

3 (2) The appointing authority shall make a preliminary
4 determination, on the basis of testimony or stated needs of the hearing
5 impaired person, that the interpreter is able in that particular
6 proceeding, program, or activity to interpret accurately all
7 communication to and from the hearing impaired person. If at any time
8 during the proceeding, program, or activity, in the opinion of the
9 hearing impaired person or a qualified observer, the interpreter does
10 not provide accurate, impartial, and effective communication with the
11 hearing impaired person the appointing authority shall appoint another
12 qualified interpreter. No otherwise qualified interpreter who is a
13 relative of any participant in the proceeding may be appointed."

14 "Sec. 3. RCW 2.42.160 and 1985 c 389 s 16 are each amended to read
15 as follows:

16 (1) A qualified and/or intermediary interpreter shall not, without
17 the written consent of the parties to the communication, be examined as
18 to any communication the interpreter interprets under circumstances
19 where the communication is privileged by law.

20 (2) A qualified and/or intermediary interpreter shall not, without
21 the written consent of the parties to the communication, be examined as
22 to any information the interpreter obtains while interpreting
23 pertaining to any proceeding then pending."

24 "Sec. 4. RCW 2.42.170 and 1985 c 389 s 17 are each amended to read
25 as follows:

26 A qualified and/or intermediary interpreter appointed under this
27 chapter is entitled to a reasonable fee for services, including waiting
28 time and reimbursement for actual necessary travel expenses. The fee

1 for services for interpreters for hearing impaired persons shall be in
2 accordance with standards established by the department of social and
3 health services, office of deaf services."

4 "NEW SECTION. Sec. 5. The following acts or parts of acts are
5 each repealed:

6 (1) RCW 2.42.020 and 1989 c 358 s 13, 1983 c 222 s 2, & 1973 c 22
7 s 2;

8 (2) RCW 2.42.030 and 1973 c 22 s 3; and

9 (3) RCW 2.42.040 and 1973 c 22 s 4."

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13 On page 1, line 1 of the title, after "interpreters;" strike the
14 remainder of the title and insert "amending RCW 2.42.110, 2.42.130,
15 2.42.160, and 2.42.170; and repealing RCW 2.42.020, 2.42.030, and
16 2.42.040."