

HOUSE BILL REPORT

ESHB 1727

As Amended by the Senate

Title: An act relating to interpreters.

Brief Description: Changing provisions relating to interpreters in legal proceedings.

Sponsor(s): By House Committee on Judiciary (originally sponsored by Representatives Appelwick, Jacobsen, Paris, Morton, Mielke, Brekke, Anderson, Forner, Day, Vance, R. Johnson and Wineberry).

Brief History:

Reported by House Committee on:
Judiciary, March 6, 1991, DPS;
Appropriations, March 9, 1991, DPS(JUD)-A;
Passed House, March 20, 1991, 98-0;
Amended by Senate.

**HOUSE COMMITTEE ON
JUDICIARY**

Majority Report: *That Substitute House Bill No. 1727 be substituted therefor, and the substitute bill do pass.* Signed by 19 members: Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Paris, Assistant Ranking Minority Member; Belcher; Broback; Forner; Hargrove; Inslee; Locke; R. Meyers; Mielke; H. Myers; Riley; Scott; D. Sommers; Tate; Vance; and Wineberry.

Staff: Pat Shelledy (786-7149).

**HOUSE COMMITTEE ON
APPROPRIATIONS**

Majority Report: *The substitute bill by Committee on Judiciary be substituted therefor and the substitute bill as amended by Committee on Appropriations do pass.* Signed by 27 members: Representatives Locke, Chair; Inslee, Vice Chair; Spanel, Vice Chair; Silver, Ranking Minority Member; Morton, Assistant Ranking Minority Member; Appelwick; Belcher; Bowman; Braddock; Brekke; Dorn; Ebersole; Ferguson; Fuhrman; Hine; May; McLean; Mielke; Nealey; Peery; Pruitt; Rust; Sprenkle; Valle; Vance; Wang; and Wineberry.

Staff: Susan Kavanaugh (786-7130).

Background: When a hearing or speech impaired person is a party or a witness to any legal proceeding, the judge must appoint a qualified interpreter to assist the person.

A "qualified interpreter" means an interpreter who is certified by the interpreters registry for the deaf, is able to provide accurate and effective communication between the impaired person and the other participants in the proceeding, and can translate into spoken language. Depending upon the proceeding, an interpreter must meet certain skill levels ranging from a specialist to a partially certified interpreter. An "intermediary interpreter" means a hearing impaired person who is certified by the interpreters registry for the deaf with a reverse skills certificate who is able to assist in providing an accurate interpretation between spoken and sign language by acting as an intermediary between a hearing impaired person and a qualified interpreter.

An interpreter must take an oath in a judicial or administrative proceeding that the interpreter will accurately interpret what is said.

Summary of Bill: The definition of "qualified interpreter" is changed to mean a visual language interpreter who is certified by the state or is certified by the interpreters registry for the deaf to hold the comprehensive skills certificate or both certificates of interpretation and transliteration. The term "intermediary interpreter" is amended to include a person who holds a reverse skills certificate from the state. Interpreters may be obtained through state lists as well as the deaf interpreters registry. "Intermediary interpreters" may be appointed to act as interpreters instead of or in addition to qualified interpreters for hearings involving hearing impaired participants.

An additional requirement of impartiality is added to the requirements for interpreters.

EFFECT OF SENATE AMENDMENT(S): The definition of "hearing impaired person" is amended to strike the adjective "hearing" and is expanded to include speech impairment. The definition of "qualified interpreter" is amended to exclude from the definition "an interpreter who can readily translate statements of speech or speech impaired persons into spoken language" which limits qualified interpreters to interpreters who are certified. Three statutes that in part duplicate and in part conflict with other provisions in the chapter are repealed. Those three sections concern

definitions, and appointment and compensation of interpreters.

Fiscal Note: Not requested.

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

Testimony For: (Judiciary): Original Bill: The current law inadequately provides access to legal proceedings for hearing impaired persons. Opponents of the bill have an economic interest in restricting the number of available interpreters.

(Appropriations): None.

Testimony Against: (Judiciary): Original Bill: The bill will allow less than fully qualified interpreters to provide critical services. State testing and training of interpreters will be expensive.

(Appropriations): None.

Witnesses: (Judiciary): Original Bill: Michael Izak, Washington State Association of the Deaf (in favor); Fred DeBerry, Calvary Baptist Deaf Church (in favor); Robert Rummell, Washington State Association of the Deaf (in favor); Elizabeth Broecker, Washington State Association of the Deaf (in favor); Judie Husted, Washington State Registry of Interpreters for the Deaf (opposed); Mary Ruth Mann, attorney (in favor); and Leon Curtis, Department of Social and Health Services, Office of Deaf Services (opposed).

(Appropriations): None.

VOTE ON FINAL PASSAGE:

Yeas 98; Nays 0; Excused 0