

**2SHB 2176 - H AMD 306**  
By Representative Lantz

**ADOPTED 3/12/2007**

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 2.43  
4 RCW to read as follows:

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

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

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

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

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

26 (e) Procedures for evaluating the need for translation of  
27 written materials, prioritizing those translation needs, and  
28 translating the highest priority materials. These procedures  
29 should take into account the frequency of use of forms by the  
30 language group, and the cost of orally interpreting the forms;

1 (f) A process for requiring and providing training to judges,  
2 court clerks, and other court staff on the requirements of the  
3 language assistance plan and how to effectively access and work  
4 with interpreters; and

5 (g) A process for ongoing evaluation of the language assistance  
6 plan and monitoring of the implementation of the language  
7 assistance plan.

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

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

18 (4) Each court receiving reimbursement for interpreter costs  
19 under sections 2 or 3 of this act must provide to the  
20 administrative office of the courts by November 15, 2008, a report  
21 detailing an assessment of the need for interpreter services for  
22 non-English speakers in court-mandated classes or programs, the  
23 extent to which interpreter services are currently available for  
24 court-mandated classes or programs, and the resources that would be  
25 required to ensure that interpreters are provided to non-English  
26 speakers in court-mandated classes or programs. The administrative  
27 office of the courts shall compile these reports and provide them  
28 to the appropriate committees of the legislature by December 15,  
29 2008.

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

32 (1) If a hearing impaired person is a party or witness at any  
33 stage of a judicial or quasi-judicial proceeding in the state or in  
34 a political subdivision, including but not limited to civil and  
35 criminal court proceedings, grand jury proceedings, proceedings  
36 before a magistrate, juvenile proceedings, adoption proceedings,  
37 mental health commitment proceedings, and any proceeding in which  
38 a hearing impaired person may be subject to confinement or criminal

1 sanction, the appointing authority shall appoint and pay for a  
2 qualified interpreter to interpret the proceedings.

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

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

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

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

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

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

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

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

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

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

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

30       (5) Subject to the availability of funds appropriated for this  
31 purpose, the administrative office of the courts shall reimburse  
32 the appointing authority for one-half of the payment to the  
33 interpreter where an interpreter is appointed by a judicial officer  
34 in a proceeding before a court at public expense and:

35       (a) The interpreter appointed is an interpreter certified by  
36 the administrative office of the courts or is a qualified  
37 interpreter registered by the administrative office of the courts  
38 in a noncertified language, or where the necessary language is not

1 certified or registered, the interpreter has been qualified by the  
2 judicial officer pursuant to this chapter;

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

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

9 **Sec. 4.** RCW 2.56.030 and 2005 c 457 s 7 are each amended to  
10 read as follows:

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

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

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

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

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

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

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

35 (7) Obtain reports from clerks of courts in accordance with law  
36 or rules adopted by the supreme court of this state on cases and  
37 other judicial business in which action has been delayed beyond

1 periods of time specified by law or rules of court and make report  
2 thereof to supreme court of this state;

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

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

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

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

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

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

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

32 (15) Develop, in consultation with the entities set forth in  
33 RCW 2.56.150(3), a comprehensive statewide curriculum for persons  
34 who act as guardians ad litem under Title 13 or 26 RCW. The  
35 curriculum shall be made available July 1, 1997, and include  
36 specialty sections on child development, child sexual abuse, child  
37 physical abuse, child neglect, clinical and forensic investigative  
38 and interviewing techniques, family reconciliation and mediation  
39 services, and relevant statutory and legal requirements. The

1 curriculum shall be made available to all superior court judges,  
2 court personnel, and all persons who act as guardians ad litem;

3 (16) Develop a curriculum for a general understanding of crimes  
4 of malicious harassment, as well as specific legal skills and  
5 knowledge of RCW 9A.36.080, relevant cases, court rules, and the  
6 special needs of malicious harassment victims. This curriculum  
7 shall be made available to all superior court and court of appeals  
8 judges and to all justices of the supreme court;

9 (17) Develop, in consultation with the criminal justice  
10 training commission and the commissions established under chapters  
11 43.113, 43.115, and 43.117 RCW, a curriculum for a general  
12 understanding of ethnic and cultural diversity and its implications  
13 for working with youth of color and their families. The curriculum  
14 shall be available to all superior court judges and court  
15 commissioners assigned to juvenile court, and other court  
16 personnel. Ethnic and cultural diversity training shall be  
17 provided annually so as to incorporate cultural sensitivity and  
18 awareness into the daily operation of juvenile courts statewide;

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

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

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

28 (21)(a) Administer and distribute amounts appropriated from the  
29 equal justice subaccount under RCW 43.08.250(2) for district court  
30 judges' and qualifying elected municipal court judges' salary  
31 contributions. The administrator for the courts shall develop a  
32 distribution formula for these amounts that does not differentiate  
33 between district and elected municipal court judges.

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

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

37 (ii) The city has established by ordinance that a full-time  
38 judge is compensated at a rate equivalent to at least ninety-five  
39 percent, but not more than one hundred percent, of a district court

1 judge salary or for a part-time judge on a pro rata basis the same  
2 equivalent; and

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

6 (22) Subject to the availability of funds appropriated for the  
7 purposes of this act, assist courts in the development and  
8 implementation of language assistance plans required under section  
9 1 of this act."

10 Correct the title.

**EFFECT:** Provides that the Administrative Office of the Courts (AOC) will reimburse one-half the costs of interpreters subject to availability of funds appropriated for that purpose.

Requires only those courts that receive reimbursement for interpreter services to report on the need for interpreter services in court-mandated classes or programs. Extends for an additional year the date by which the courts must report this information to the AOC (November 2008) and the date the AOC must report this information to the Legislature (December, 2008).

Requires the AOC to assist courts in the development and implementation of language assistance plans subject to the availability of funds appropriated for the purposes of the act.

Removes the null and void clause.