

E2SHB 2176 - H AMD 977

By Representative Lantz

ADOPTED 01/30/2008

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 RCW
4 to read as follows:

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

11 (a) Procedures to identify and assess the language needs of non-
12 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 non-English-
15 speaking person to make the arrangements for the interpreter to appear
16 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 languages
20 that census data indicates are predominate in the jurisdiction;

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

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

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

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

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

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

18 (4) Each court receiving reimbursement for interpreter costs under
19 RCW 2.42.120 or 2.43.040 must provide to the administrative office of
20 the courts by November 15, 2009, a report detailing an assessment of
21 the need for interpreter services for non-English speakers in
22 court-mandated classes or programs, the extent to which interpreter
23 services are currently available for court-mandated classes or
24 programs, and the resources that would be required to ensure that
25 interpreters are provided to non-English speakers in court-mandated
26 classes or programs. The administrative office of the courts shall
27 compile these reports and provide them to the appropriate committees of
28 the legislature by December 15, 2009.

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

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

1 person may be subject to confinement or criminal sanction, the
2 appointing authority shall appoint and pay for a qualified interpreter
3 to interpret the proceedings.

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

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

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

33 (6) Where it is the policy and practice of a court of this state or
34 of a political subdivision to appoint and pay counsel for persons who
35 are indigent, the appointing authority shall appoint and pay for a
36 qualified interpreter for hearing impaired persons to facilitate
37 communication with counsel in all phases of the preparation and
38 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 the
3 appointing authority for one-half of the payment to the interpreter
4 where a qualified interpreter is appointed for a hearing impaired
5 person by a judicial officer in a proceeding before a court under
6 subsection (1), (2), or (3) of this section in compliance with the
7 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 read
9 as follows:

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

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

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

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

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

34 (a) The interpreter appointed is an interpreter certified by the
35 administrative office of the courts or is a qualified interpreter
36 registered by the administrative office of the courts in a noncertified

1 language, or where the necessary language is not certified or
2 registered, the interpreter has been qualified by the judicial officer
3 pursuant to this chapter;

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

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

8 **Sec. 4.** RCW 2.56.030 and 2007 c 496 s 302 are each amended to read
9 as follows:

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

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

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

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

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

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

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

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

- 1 (8) Act as secretary of the judicial conference referred to in RCW
2 2.56.060;
- 3 (9) Submit annually, as of February 1st, to the chief justice, a
4 report of the activities of the administrator's office for the
5 preceding calendar year including activities related to courthouse
6 security;
- 7 (10) Administer programs and standards for the training and
8 education of judicial personnel;
- 9 (11) Examine the need for new superior court and district court
10 judge positions under an objective workload analysis. The results of
11 the objective workload analysis shall be reviewed by the board for
12 judicial administration which shall make recommendations to the
13 legislature. It is the intent of the legislature that an objective
14 workload analysis become the basis for creating additional district and
15 superior court positions, and recommendations should address that
16 objective;
- 17 (12) Provide staff to the judicial retirement account plan under
18 chapter 2.14 RCW;
- 19 (13) Attend to such other matters as may be assigned by the supreme
20 court of this state;
- 21 (14) Within available funds, develop a curriculum for a general
22 understanding of child development, placement, and treatment resources,
23 as well as specific legal skills and knowledge of relevant statutes
24 including chapters 13.32A, 13.34, and 13.40 RCW, cases, court rules,
25 interviewing skills, and special needs of the abused or neglected
26 child. This curriculum shall be completed and made available to all
27 juvenile court judges, court personnel, and service providers and be
28 updated yearly to reflect changes in statutes, court rules, or case
29 law;
- 30 (15) Develop, in consultation with the entities set forth in RCW
31 2.56.150(3), a comprehensive statewide curriculum for persons who act
32 as guardians ad litem under Title 13 or 26 RCW. The curriculum shall
33 be made available July 1, 2008, and include specialty sections on child
34 development, child sexual abuse, child physical abuse, child neglect,
35 domestic violence, clinical and forensic investigative and interviewing
36 techniques, family reconciliation and mediation services, and relevant
37 statutory and legal requirements. The curriculum shall be made

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

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

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

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

23 (19) Develop a Washington family law handbook in accordance with
24 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 the
27 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 municipal
35 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 judge

1 is compensated at a rate equivalent to at least ninety-five percent,
2 but not more than one hundred percent, of a district court judge salary
3 or for a part-time judge on a pro rata basis the same equivalent; and
4 (iii) The city has certified to the office of the administrator for
5 the courts that the conditions in (b)(i) and (ii) of this subsection
6 have been met;

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

11 Correct the title.

EFFECT: Changes from 2008 to 2009 the date by which courts and
the administrative office of the courts must report on assessments of
the need for interpreter services in court-mandated classes and
programs.

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