
SECOND ENGROSSED SECOND SUBSTITUTE HOUSE BILL 2176

State of Washington

60th Legislature

2008 Regular Session

By House Committee on Appropriations (originally sponsored by Representatives Lantz, Warnick, Pedersen, Ross, Hasegawa, Kenney, Santos and Goodman)

READ FIRST TIME 3/5/07.

1 AN ACT Relating to interpreter services; amending RCW 2.42.120,
2 2.43.040, and 2.56.030; and adding a new section to chapter 2.43 RCW.

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

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

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

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

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

18 (c) Procedures for notifying court users of the right to and

1 availability of interpreter services. Such information shall be
2 prominently displayed in the courthouse in the five foreign languages
3 that census data indicates are predominate in the jurisdiction;

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

8 (e) Procedures for evaluating the need for translation of written
9 materials, prioritizing those translation needs, and translating the
10 highest priority materials. These procedures should take into account
11 the frequency of use of forms by the language group, and the cost of
12 orally interpreting the forms;

13 (f) A process for requiring and providing training to judges, court
14 clerks, and other court staff on the requirements of the language
15 assistance plan and how to effectively access and work with
16 interpreters; and

17 (g) A process for ongoing evaluation of the language assistance
18 plan and monitoring of the implementation of the language assistance
19 plan.

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

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

30 (4) Each court receiving reimbursement for interpreter costs under
31 RCW 2.42.120 or 2.43.040 must provide to the administrative office of
32 the courts by November 15, 2009, a report detailing an assessment of
33 the need for interpreter services for non-English speakers in
34 court-mandated classes or programs, the extent to which interpreter
35 services are currently available for court-mandated classes or
36 programs, and the resources that would be required to ensure that
37 interpreters are provided to non-English speakers in court-mandated

1 classes or programs. The administrative office of the courts shall
2 compile these reports and provide them to the appropriate committees of
3 the legislature by December 15, 2009.

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

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

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

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

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

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

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

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

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

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

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

34 (3) In other legal proceedings, the cost of providing the
35 interpreter shall be borne by the non-English-speaking person unless
36 such person is indigent according to adopted standards of the body. In

1 such a case the cost shall be an administrative cost of the
2 governmental body under the authority of which the legal proceeding is
3 conducted.

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

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

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

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

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

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

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

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

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

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

35 (4) Collect and compile statistical and other data and make reports
36 of the business transacted by the courts and transmit the same to the

1 chief justice to the end that proper action may be taken in respect
2 thereto;

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

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

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

15 (8) Act as secretary of the judicial conference referred to in RCW
16 2.56.060;

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

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

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

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

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

35 (14) Within available funds, develop a curriculum for a general
36 understanding of child development, placement, and treatment resources,
37 as well as specific legal skills and knowledge of relevant statutes
38 including chapters 13.32A, 13.34, and 13.40 RCW, cases, court rules,

1 interviewing skills, and special needs of the abused or neglected
2 child. This curriculum shall be completed and made available to all
3 juvenile court judges, court personnel, and service providers and be
4 updated yearly to reflect changes in statutes, court rules, or case
5 law;

6 (15) Develop, in consultation with the entities set forth in RCW
7 2.56.150(3), a comprehensive statewide curriculum for persons who act
8 as guardians ad litem under Title 13 or 26 RCW. The curriculum shall
9 be made available July 1, 2008, and include specialty sections on child
10 development, child sexual abuse, child physical abuse, child neglect,
11 domestic violence, clinical and forensic investigative and interviewing
12 techniques, family reconciliation and mediation services, and relevant
13 statutory and legal requirements. The curriculum shall be made
14 available to all superior court judges, court personnel, and all
15 persons who act as guardians ad litem;

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

22 (17) Develop, in consultation with the criminal justice training
23 commission and the commissions established under chapters 43.113,
24 43.115, and 43.117 RCW, a curriculum for a general understanding of
25 ethnic and cultural diversity and its implications for working with
26 youth of color and their families. The curriculum shall be available
27 to all superior court judges and court commissioners assigned to
28 juvenile court, and other court personnel. Ethnic and cultural
29 diversity training shall be provided annually so as to incorporate
30 cultural sensitivity and awareness into the daily operation of juvenile
31 courts statewide;

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

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

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

4 (21)(a) Administer and distribute amounts appropriated from the
5 equal justice subaccount under RCW 43.08.250(2) for district court
6 judges' and qualifying elected municipal court judges' salary
7 contributions. The administrator for the courts shall develop a
8 distribution formula for these amounts that does not differentiate
9 between district and elected municipal court judges.

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

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

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

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

20 (22) Subject to the availability of funds appropriated for the
21 purposes of this act, assist courts in the development and
22 implementation of language assistance plans required under section 1 of
23 this act.

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