

SENATE BILL REPORT

ESHB 2518

As Reported by Senate Committee On:
Judiciary, February 24, 2010

Title: An act relating to oath requirements for interpreters.

Brief Description: Modifying oath requirements for interpreters.

Sponsors: House Committee on Judiciary (originally sponsored by Representatives Goodman, Rodne and Kelley; by request of Board For Judicial Administration).

Brief History: Passed House: 2/10/10, 96-0.

Committee Activity: Judiciary: 2/24/10 [DP].

SENATE COMMITTEE ON JUDICIARY

Majority Report: Do pass.

Signed by Senators Kline, Chair; Regala, Vice Chair; Carrell, Gordon, Hargrove, Kohl-Welles and Roach.

Staff: Lidia Mori (786-7755)

Background: The Administrative Office of the Courts (AOC) is responsible for certifying and registering interpreters. Interpreters can be certified in more than ten languages and must complete several requirements in order to be certified. If not certified, a qualified interpreter has the option of being registered in more than 40 languages. An interpreter must complete a series of requirements in order to be registered. The AOC administers the oath taken by interpreters at the time of certification or registration. The oath requires the interpreters to uphold their code of conduct and accurately interpret for legal proceedings. Every two years, certified and registered interpreters must submit a form to the AOC affirming their compliance with continuing education requirements and the AOC is required to maintain a current list of certified and registered interpreters.

Where a non-English speaking person is compelled to appear at a legal proceeding, the presiding officer of the proceeding must appoint an interpreter certified by the AOC unless good cause is noted on the record by the presiding officer. If good cause exists, the officer must appoint a qualified interpreter. Before beginning to interpret, an interpreter is required to take an oath affirming that he or she will make a true interpretation to the person being examined of all the proceedings in a language that the person understands, and will repeat the

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statements of the person being examined to the court or agency, in English, to the best of the interpreter's ability.

In a 2009 Court of Appeals case, *State v. Flores*, the appellant argued that he was deprived of his constitutional right to a fair trial because his certified interpreter was not sworn in, nor were the interpreter's credentials and qualifications examined. While the Court stated that interpreters are statutorily required to be sworn in at trial, it upheld Flores' conviction for third degree assault because there was no objection to the interpreter at trial and no indication of inadequate interpretation or prejudice rising to the level of a constitutional violation.

Summary of Bill: Certified or registered interpreters must take the required oath to uphold their code of conduct and accurately interpret for legal proceedings upon certification or registration and every two years thereafter. They may forego taking the oath at the beginning of each interpreting session.

The AOC must maintain a record of the oath taken by certified and registered interpreters in the manner that the list of certified and registered interpreters is maintained. If the interpreter is not certified or registered, the interpreter must take the oath at the beginning of each interpreting session and submit the interpreter's qualifications on the record.

Registered interpreter means an interpreter who is registered by the AOC.

Appropriation: None.

Fiscal Note: Requested February 23, 2010.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony: PRO: This bill addresses a recent Washington Appellate Court case, *State v. Flores*. It increases court efficiency. Washington registers and certifies interpreters in the most common languages. There is some confusion amongst the trial courts regarding when the judge must administer the oath to an interpreter. This bill allows the taking of the oath to be kept on file for a two-year period and processed when continuing interpreter education requirements are processed. This is a housekeeping measure. It was requested by the Board for Judicial Administration.

Persons Testifying: PRO: Representative Goodman, prime sponsor; Justice Susan Owens, Washington State Supreme Court.