

SENATE BILL REPORT

SB 5398

As of February 5, 2013

Title: An act relating to the provision of and reimbursement for certain court interpreter services.

Brief Description: Concerning the provision of and reimbursement for certain court interpreter services.

Sponsors: Senators Darneille, Kline, Shin and McAuliffe; by request of Board For Judicial Administration.

Brief History:

Committee Activity: Law & Justice: 2/04/13.

SENATE COMMITTEE ON LAW & JUSTICE

Staff: Sharon Swanson (786-7447)

Background: State law provides for the appointment of interpreters in legal proceedings for both non-English-speaking persons and hearing-impaired persons. The governmental entity that initiates the proceedings is required to cover the cost of providing an interpreter, if the person or party is non-English-speaking. Interpreters are entitled to a reasonable fee.

Interpreters must be appointed in all legal proceedings in which a non-English-speaking person is a party or is compelled to appear, and the cost of providing the interpreter is borne by the governmental body conducting the legal proceeding. In all other legal proceedings, the cost of providing an interpreter is borne by the non-English-speaking person unless the person is indigent, in which case the cost is borne by the governmental body conducting the legal proceeding.

The Administrative Office of the Courts (AOC), is required to reimburse the governmental entity for up to half the cost of providing an interpreter under certain circumstances.

Summary of Bill: Whenever a non-English-speaking person is a party, is subpoenaed or summoned, or is otherwise compelled to appear at any state of a legal proceeding, the appointing authority must appoint a certified, registered, or qualified interpreter to assist the non-English-speaking person.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The cost of providing an interpreter in cases that are not initiated by a governmental body, must be borne by the governmental body under the authority of which the legal proceeding is conducted.

The provision that requires the non-English-speaker to pay for an interpreter in certain legal proceedings is removed.

By January 1, 2017, the state must reimburse the appointing authority for one half of the payment to the interpreter who assists a non-English-speaker or a hearing-impaired person, when the interpreter is appointed by a judicial officer in a proceeding before a court at public expense. The appointing authority must track and provide interpreter cost and usage data, including best practices and innovations, to AOC at least annually in a manner that is determined by AOC.

Appropriation: None.

Fiscal Note: Available.

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: Court proceedings can be complicated and confusing even for native English speakers. Language is fundamental to resolving disputes peacefully. It is vital that everyone be understood in court. The cost of interpreters can be daunting, but the cost of not having qualified interpreters is great. Parties and witnesses must wait, and vital court time is lost waiting for interpreters to be available. Courts have difficulty finding qualified interpreters. Currently, certification is available for only 35 languages. In 2011, Washington courts reported spending \$5.6 million on interpreter costs. City and county budgets cannot continue to carry this financial burden for services without state assistance. Providing equal access to justice means equal access to all who reside in our state. The Department of Justice has contacted our state and given us a warning about the fact that we are so far behind the curve. Quite a bit of federal funding comes through our state courts so it is in our best interest to figure out how to provide services to people with limited ability to speak English. Interpreter services are legally required by both state and federal law. People need to understand what is happening in court, but judges and juries also need to understand what is being said.

CON: Counties are struggling to provide services and to meet their constitutional duties. We have concerns about this bill and the fiscal components. Currently, there are many competing proposals in the Legislature dealing with court issues such as security, interpreters, etc. Counties don't have the resources to fund all of these programs.

Persons Testifying: PRO: Mellani McAleenan, Board for Judicial Administration; Justice Steven Gonzalez, Supreme Court Interpreter Commission; Latricia Kinlow, Tukwila Court; Gillian Dutton, Seattle University School of Law; Ed Zaldibar, Samuel Mattix, Interpreters.

CON: Brian Enslow, WA State Assn. of Counties.