

# HOUSE BILL REPORT

## HB 1285

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### As Reported by House Committee On: Judiciary

**Title:** An act relating to oath requirements for interpreters in legal proceedings.

**Brief Description:** Modifying oath requirements for interpreters in legal proceedings.

**Sponsors:** Representatives Graves, Jinkins, Goodman, Rodne, Shea, Muri, Haler, Kilduff, Klippert, Orwall and Kirby; by request of Board For Judicial Administration.

#### **Brief History:**

##### **Committee Activity:**

Judiciary: 1/19/17, 1/26/17 [DP].

#### **Brief Summary of Bill**

- Modifies interpreter oath requirements, allowing interpreters for hearing impaired and non-English-speaking persons to submit an oath once on satisfaction of credentialing requirements.

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### HOUSE COMMITTEE ON JUDICIARY

**Majority Report:** Do pass. Signed by 13 members: Representatives Jinkins, Chair; Kilduff, Vice Chair; Rodne, Ranking Minority Member; Muri, Assistant Ranking Minority Member; Frame, Goodman, Graves, Haler, Hansen, Kirby, Klippert, Orwall and Shea.

**Staff:** Alex Arkfeld (786-7290) and Edie Adams (786-7180).

#### **Background:**

The presiding officer of a court or other entity may be required to appoint and pay for an interpreter to assist hearing impaired and non-English-speaking persons in legal proceedings.

Interpreters for hearing impaired persons must be qualified and take an oath before each hearing in which they interpret. Qualified interpreters are those who are certified by the state or by the Registry of Interpreters for the Deaf, or who can otherwise readily translate for hearing impaired persons.

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*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.*

Interpreters for non-English-speaking persons may be certified, registered, or otherwise qualified, depending on the circumstances. For example, certified interpreters are preferred in legal proceedings in which the non-English-speaking person is a party or is compelled to appear. However, if good cause is found, a qualified interpreter is permitted. Qualified interpreters are those who can readily translate for non-English-speaking persons.

The Administrative Office of the Courts (AOC) certifies and registers interpreters. The examination for certification is different than the examination for registration and is available in fewer languages. The AOC will certify an interpreter if the certification exam is available in the interpreter's language. Otherwise, the AOC will register the interpreter. Certified and registered interpreters must submit an oath to the AOC when certified or registered and every two years thereafter. Qualified interpreters who are not certified or registered must take an oath before each hearing in which they interpret for a non-English-speaking person.

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**Summary of Bill:**

Qualified interpreters for hearing impaired persons, certified interpreters for non-English-speaking persons, and registered interpreters for non-English-speaking persons must submit an oath only once. Qualified interpreters for hearing impaired persons must submit an oath to the Office of the Deaf and Hard of Hearing (ODHH) on satisfaction of the ODHH's credentialing requirements. Certified and registered interpreters for non-English-speaking persons must submit an oath to the Administrative Office of the Courts (AOC) on satisfaction of the AOC's credentialing requirements.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) Requiring court interpreters to take multiple oaths rather than just one provides no additional benefit. The Administrative Office of the Courts has never had a case of an interpreter violating his or her oath. This oath is in addition to the oath that everyone has to take in court and is a burden for all involved. Lawyers, law enforcement officers, and other professionals are required to take an oath only once. Oregon only requires interpreters to take an oath once. This is a good bill that relieves administrative burdens.

(Opposed) None.

**Persons Testifying:** Representative Graves, prime sponsor; and Brady Horenstein and Bob Lichtenberg, Administrative Office of the Courts.

**Persons Signed In To Testify But Not Testifying:** None.