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By Representatives Peterson, Mena, Ryu, Ramel, Cortes, Reed, Ormsby, Kloba, Cheney, Doglio, Goodman, Thai, Ortiz-Self, Lekanoff, Hackney, and Davis; by request of Administrative Office of the Courts

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1 AN ACT Relating to court interpreters; amending RCW 2.43.010,
2 2.43.030, 2.43.050, 2.43.060, 2.43.080, 2.43.070, 2.43.040, 2.43.090,
3 2.56.030, 7.105.245, 13.04.043, and 2.42.120; reenacting and amending
4 RCW 2.43.020; adding new sections to chapter 2.43 RCW; and
5 recodifying RCW 2.43.040 and 2.43.080.

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

7 **Sec. 1.** RCW 2.43.010 and 1989 c 358 s 1 are each amended to read
8 as follows:

9 It is hereby declared to be the policy of this state to secure
10 the rights, constitutional or otherwise, of persons who, because of a
11 non-English-speaking cultural background, are unable to readily
12 understand or communicate in the English language, and who
13 consequently cannot be fully protected in legal proceedings unless
14 ((qualified)) interpreters are available to assist them.

15 It is the intent of the legislature in the passage of this
16 chapter to provide for the use and procedure for the appointment of
17 such interpreters. ((Nothing in chapter 358, Laws of 1989 abridges
18 the parties' rights or obligations under other statutes or court
19 rules or other law.))

1 **Sec. 2.** RCW 2.43.020 and 2010 c 190 s 2 are each reenacted and
2 amended to read as follows:

3 As used in this chapter:

4 (1) (~~"Appointing authority" means the presiding officer or~~
5 ~~similar official of any court, department, board, commission, agency,~~
6 ~~licensing authority, or legislative body of the state or of any~~
7 ~~political subdivision thereof.~~

8 ~~(2) "Certified interpreter" means an interpreter who is certified~~
9 ~~by the administrative office of the courts.~~

10 ~~(3))~~ "Credentialed interpreter" means an interpreter who is
11 credentialed by the administrative office of the courts in a spoken
12 language.

13 (2) "Judicial officer" means a judge, commissioner, or magistrate
14 of any court.

15 (3) "Language access plan" means a plan that is publicly
16 available which contains the elements required by RCW 2.43.090.

17 (4) "Legal proceeding" means ((a)) any proceeding in any court
18 ((in this state, grand jury hearing, or hearing)), and in any type of
19 hearing before ((an inquiry judge,)) a judicial officer, an
20 administrative law judge, or before an administrative board,
21 commission, agency, or licensing body of the state or any political
22 subdivision ((thereof)).

23 ~~((4) "Non-English-speaking person"))~~ (5) "Person with limited
24 English proficiency" means ((any)) a person involved in a legal
25 proceeding who cannot readily speak or understand the English
26 language, but does not include ((hearing-impaired persons)) deaf,
27 deaf-blind, and hard of hearing individuals who are covered under
28 chapter 2.42 RCW.

29 ~~((5) "Qualified interpreter" means a person who is able readily~~
30 ~~to interpret or translate spoken and written English for non-English-~~
31 ~~speaking persons and to interpret or translate oral or written~~
32 ~~statements of non-English-speaking persons into spoken English.))~~

33 ~~(6) ("Registered interpreter" means an interpreter who is~~
34 ~~registered by the administrative office of the courts.))~~ "Presiding
35 officer" means the judicial officer or similar official of any court,
36 department, board, commission, agency, or licensing authority of the
37 state or of any political subdivision thereof.

38 **Sec. 3.** RCW 2.43.030 and 2005 c 282 s 3 are each amended to read
39 as follows:

1 (1) ~~((Whenever an interpreter is appointed to assist a non-~~
2 ~~English-speaking person in a legal proceeding, the appointing~~
3 ~~authority shall, in the absence of a written waiver by the person,~~
4 ~~appoint a certified or a qualified interpreter to assist the person~~
5 ~~throughout the proceedings.~~

6 ~~(a) Except as otherwise provided for in (b) of this subsection,~~
7 ~~the interpreter appointed shall be a qualified interpreter.~~

8 ~~(b) Beginning on July 1, 1990, when a non-English-speaking person~~
9 ~~is a party to a legal proceeding, or is subpoenaed or summoned by an~~
10 ~~appointing authority or is otherwise compelled by an appointing~~
11 ~~authority to appear at a legal proceeding, the appointing authority~~
12 ~~shall use the services of only those language interpreters who have~~
13 ~~been certified by the administrative office of the courts, unless~~
14 ~~good cause is found and noted on the record by the appointing~~
15 ~~authority. For purposes of chapter 358, Laws of 1989, "good cause"~~
16 ~~includes but is not limited to a determination that:~~

17 ~~(i) Given the totality of the circumstances, including the nature~~
18 ~~of the proceeding and the potential penalty or consequences involved,~~
19 ~~the services of a certified interpreter are not reasonably available~~
20 ~~to the appointing authority; or~~

21 ~~(ii) The current list of certified interpreters maintained by the~~
22 ~~administrative office of the courts does not include an interpreter~~
23 ~~certified in the language spoken by the non-English-speaking person.~~

24 ~~(c) Except as otherwise provided in this section, when a non-~~
25 ~~English-speaking person is involved in a legal proceeding, the~~
26 ~~appointing authority shall appoint a qualified interpreter.)~~ (a)
27 Credentialed interpreters shall be appointed in legal proceedings
28 involving participation of persons with limited English proficiency,
29 unless good cause is found on the record for appointing a
30 noncredentialed interpreter.

31 (b) For purposes of this chapter, "good cause" includes, but is
32 not limited to, a determination that:

33 (i) Given the totality of the circumstances, including the nature
34 of the proceeding and the potential penalty or consequences involved,
35 the services of a credentialed interpreter are not reasonably
36 available; or

37 (ii) The current list of interpreters maintained by the
38 administrative office of the courts does not include an interpreter
39 credentialed in the language spoken by the person with limited
40 English proficiency.

1 (2) If good cause is found for using an interpreter who is not
2 (~~certified or if a qualified interpreter is appointed, the~~
3 ~~appointing authority shall make a preliminary determination, on the~~
4 ~~basis of testimony or stated needs of the non-English-speaking~~
5 ~~person, that the proposed interpreter is able to interpret accurately~~
6 ~~all communications to and from such person in that particular~~
7 ~~proceeding. The appointing authority shall satisfy itself on the~~
8 ~~record that the proposed interpreter:~~

9 ~~(a) Is capable of communicating effectively with the court or~~
10 ~~agency and the person for whom the interpreter would interpret; and~~

11 ~~(b) Has read, understands, and will abide by the code of ethics~~
12 ~~for language interpreters established by court rules)) credentialed,~~
13 ~~the judicial or presiding officer shall make a preliminary~~
14 ~~determination that the proposed interpreter is able to interpret~~
15 ~~accurately all communications to and from the person with limited~~
16 ~~English proficiency in that particular proceeding. The determination~~
17 ~~shall be made on the basis of testimony or stated needs of the person~~
18 ~~with limited English proficiency.~~

19 (3) The judicial or presiding officer shall satisfy itself and
20 state on the record that:

21 (a) The proposed interpreter is capable of communicating
22 effectively in English and in the non-English language. If the
23 interpreter is assigned to interpret between two non-English
24 languages (relay interpreter), the interpreter shall not be required
25 to communicate in English;

26 (b) The proposed interpreter has read, understands, and will
27 abide by the code of professional responsibility for judiciary
28 interpreters established by court rule. If the interpreter does not
29 meet this requirement, the interpreter may be given time to review
30 the code of professional responsibility for judiciary interpreters;
31 and

32 (c) The person with limited English proficiency can understand
33 the interpreter.

34 (4) The court shall inquire whether the interpreter can
35 accurately interpret in the consecutive mode and whether the
36 interpreter can accurately interpret in the simultaneous mode.

37 (5) If the proposed interpreter does not meet the criteria in
38 subsection (3) of this section, another interpreter must be used.

1 **Sec. 4.** RCW 2.43.050 and 2017 c 83 s 2 are each amended to read
2 as follows:

3 (1) (a) Upon ~~((certification or registration with the~~
4 ~~administrative office of the courts, certified or registered))~~
5 obtaining an interpreter credential with the administrative office of
6 the courts, credentialed interpreters shall take ~~((an))~~ a permanent
7 oath, affirming that the interpreter will make a true interpretation
8 ~~((to the person being examined))~~ of all the proceedings ~~((in a~~
9 ~~language which the person understands,))~~ and that the interpreter
10 will repeat the statements of the person ~~((being examined))~~ with
11 limited English proficiency to the court or agency conducting the
12 proceedings, in the English language, to the best of the
13 interpreter's skill and judgment.

14 (b) The administrative office of the courts shall maintain the
15 list of credentialed interpreters and a record of the oath in the
16 same manner ~~((that the list of certified and registered interpreters~~
17 ~~is maintained))~~.

18 (2) Before any person serving as an interpreter for the court or
19 agency begins to interpret, the ~~((appointing authority))~~ judicial or
20 presiding officer shall require the interpreter to state the
21 interpreter's name on the record and whether the interpreter is a
22 ~~((certified or registered))~~ credentialed interpreter. If the
23 interpreter is not a ~~((certified or registered))~~ credentialed
24 interpreter, the interpreter must ~~((submit the interpreter's~~
25 ~~qualifications))~~ be qualified on the record.

26 (3) Before beginning to interpret, every interpreter appointed
27 under this chapter shall take an oath unless the interpreter is a
28 ~~((certified or registered))~~ credentialed interpreter who has taken
29 the oath as required in subsection (1) of this section. The oath must
30 affirm that the interpreter will make a true interpretation to the
31 person being examined of all the proceedings in a language which the
32 person understands, and that the interpreter will repeat the
33 statements of the person being examined to the court or agency
34 conducting the proceedings, in the English language, to the best of
35 the interpreter's skill and judgment.

36 **Sec. 5.** RCW 2.43.060 and 1989 c 358 s 6 are each amended to read
37 as follows:

38 (1) The right to ~~((a qualified))~~ an interpreter may not be waived
39 except when:

1 (a) A ~~((non-English-speaking))~~ person with limited English
2 proficiency requests a waiver on the record; and

3 (b) The ~~((appointing authority))~~ judicial or presiding officer
4 determines on the record that the waiver has been made knowingly,
5 voluntarily, and intelligently.

6 (2) ~~((Waiver of a qualified interpreter))~~ The waiver of the right
7 to an interpreter may be set aside and an interpreter appointed~~((7~~
8 ~~in))~~ at the discretion of the ~~((appointing authority,))~~ judicial or
9 presiding officer at any time during the proceedings.

10 (3) The waiver of the right to an interpreter does not preclude a
11 person with limited English proficiency from exercising the right to
12 an interpreter at a later time.

13 **Sec. 6.** RCW 2.43.080 and 1989 c 358 s 8 are each amended to read
14 as follows:

15 All language interpreters serving in a legal proceeding, whether
16 or not ~~((certified or qualified))~~ credentialed, shall abide by a code
17 of ~~((ethics))~~ professional responsibility for judiciary interpreters
18 established by supreme court rule.

19 NEW SECTION. **Sec. 7.** A new section is added to chapter 2.43 RCW
20 to read as follows:

21 The court shall appoint a team of interpreters as required by
22 supreme court rule.

23 **Sec. 8.** RCW 2.43.070 and 2005 c 282 s 4 are each amended to read
24 as follows:

25 (1) Subject to the availability of funds, the administrative
26 office of the courts shall establish and maintain a credentialing
27 program for spoken language interpreters and administer ~~((a))~~
28 comprehensive testing ~~((and certification program for language~~
29 ~~interpreters))~~.

30 (2) The administrative office of the courts shall work
31 cooperatively with ~~((community colleges and other))~~ public or private
32 ~~((or public))~~ educational institutions, and with other public or
33 private organizations to establish ~~((a certification preparation~~
34 ~~curriculum and))~~ suitable training programs and engage in recruitment
35 efforts to ensure the availability of ~~((certified))~~ credentialed
36 interpreters. Training programs shall be made readily available in
37 both eastern and western Washington locations.

1 (3) The administrative office of the courts shall establish and
2 adopt standards of proficiency, written and oral, in English and the
3 language to be interpreted.

4 (4) The administrative office of the courts shall conduct
5 periodic examinations to ensure the availability of ((certified))
6 credentialed interpreters. Periodic examinations shall be made
7 readily available in both eastern and western Washington locations.

8 (5) The administrative office of the courts shall compile,
9 maintain, and disseminate a current list of interpreters
10 ((certified)) credentialed by the office.

11 (6) The administrative office of the courts may charge reasonable
12 fees for testing, training, and ((certification)) credentialing.

13 (7) The administrative office of the courts may create different
14 credentials and provide guidance for the selection and use of
15 credentialed and noncredentialed interpreters to ensure the highest
16 standards of accuracy are maintained in all judicial proceedings.

17 **Sec. 9.** RCW 2.43.040 and 2023 c 102 s 1 are each amended to read
18 as follows:

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

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

30 ~~(3) In other legal proceedings, the cost of providing the~~
31 ~~interpreter shall be borne by the non-English-speaking person unless~~
32 ~~such person is indigent according to adopted standards of the body.~~
33 ~~In such a case the cost shall be an administrative cost of the~~
34 ~~governmental body under the authority of which the legal proceeding~~
35 ~~is conducted.~~

36 ~~(4))~~ and court-mandated classes in which the person with limited
37 English proficiency is a party, is subpoenaed or summoned, are
38 parents, guardians, or custodians of a juvenile, or is compelled to

1 appear, the person with limited English proficiency is not
2 responsible for the cost of the interpreter.

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

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

15 (b) The court conducting the legal proceeding has an approved
16 language assistance plan that complies with RCW 2.43.090; and

17 (c) The fee paid to the interpreter for services is in accordance
18 with standards established by the administrative office of the
19 courts)) participating state court for language access services costs
20 in accordance with terms of agreement established by the
21 administrative office of the courts and agreed to by the
22 participating state court.

23 **Sec. 10.** RCW 2.43.090 and 2008 c 291 s 1 are each amended to
24 read as follows:

25 (1) ~~((Each trial court))~~ Trial courts organized under this title
26 and Titles 3 and 35 RCW must develop and maintain a written language
27 ~~((assistance))~~ access plan to provide a framework for the provision
28 of ~~((interpreter))~~ language access services for ~~((non-English-~~
29 ~~speaking))~~ persons with limited English proficiency accessing the
30 court system and its programs in both civil and criminal legal
31 matters. Courts may use a template developed by the administrative
32 office of the courts in developing their language access plan.

33 (2) The language ~~((assistance))~~ access plan must at a minimum
34 include~~((, at a minimum, provisions addressing))~~ provisions designed
35 to provide procedures for court staff and the public, as may be
36 necessary, that address the following:

37 (a) Procedures to identify and ~~((assess))~~ provide the language
38 needs of ~~((non-English-speaking))~~ persons with limited English
39 proficiency using the court system;

1 (b) Procedures for ~~((the appointment of))~~ requesting and
2 appointing interpreters as required under RCW 2.43.030 ~~((. Such~~
3 ~~procedures shall not require the non-English-speaking person to make~~
4 ~~the arrangements for the interpreter to appear in court))~~;

5 (c) Procedures for notifying court users of the right to an
6 interpreter and the availability of interpreter services. Such
7 information shall be prominently displayed in the courthouse in the
8 five ~~((foreign))~~ or more languages other than English that ~~((census))~~
9 reputable data indicates are predominate in the jurisdiction;

10 (d) A process for providing timely communication ~~((with non-~~
11 ~~English speakers by))~~ between individuals with limited English
12 proficiency and all court employees who have regular contact with the
13 public and ~~((meaningful))~~ effective access to court ~~((services,~~
14 ~~including access to))~~ services provided by the clerk's office and
15 other court-managed programs;

16 (e) Procedures for evaluating the need for translation of written
17 materials, and prioritizing and providing those ~~((translation needs,~~
18 ~~and translating the highest priority materials. These procedures))~~
19 translated materials. Courts should take into account the frequency
20 of use of forms by the language group, and the cost of ~~((orally~~
21 ~~interpreting))~~ providing the forms by other means;

22 (f) A process for ~~((requiring and providing))~~ training ~~((to))~~
23 judges, court clerks, and ~~((other))~~ court staff on ~~((the requirements~~
24 ~~of the language assistance plan))~~ best practices in serving
25 individuals with limited English proficiency in legal proceedings and
26 how to effectively ~~((access))~~ assign and work with interpreters and
27 provide interpretation; and

28 (g) A process for an ongoing evaluation of the language
29 ~~((assistance))~~ access plan and a process for monitoring ~~((of))~~ the
30 implementation of the language ~~((assistance))~~ access plan.

31 ~~((2))~~ (3) Each court, when developing its language
32 ~~((assistance))~~ access plan, must consult with judges, court
33 administrators ~~((and))~~, court staff, court clerks, interpreters, and
34 members of the community, such as domestic violence organizations,
35 pro bono programs, courthouse facilitators, legal services programs,
36 and/or other community groups whose members speak a language other
37 than English.

38 ~~((3) Each court must provide a copy of its language assistance~~
39 ~~plan to the interpreter commission established by supreme court rule~~

1 ~~for approval prior to receiving state reimbursement for interpreter~~
2 ~~costs under this chapter.~~

3 ~~(4) Each court receiving reimbursement for interpreter costs~~
4 ~~under RCW 2.42.120 or 2.43.040 must provide to the administrative~~
5 ~~office of the courts by November 15, 2009, a report detailing an~~
6 ~~assessment of the need for interpreter services for non-English~~
7 ~~speakers in court-mandated classes or programs, the extent to which~~
8 ~~interpreter services are currently available for court-mandated~~
9 ~~classes or programs, and the resources that would be required to~~
10 ~~ensure that interpreters are provided to non-English speakers in~~
11 ~~court-mandated classes or programs. The report shall also include the~~
12 ~~amounts spent annually on interpreter services for fiscal years 2005,~~
13 ~~2006, 2007, 2008, and 2009. The administrative office of the courts~~
14 ~~shall compile these reports and provide them along with the specific~~
15 ~~reimbursements provided, by court and fiscal year, to the appropriate~~
16 ~~committees of the legislature by December 15, 2009.)~~

17 (4) Beginning January 1, 2025, and every two years thereafter,
18 all courts must submit their most recent language access plan to the
19 administrative office of the courts.

20 (5) The administrative office of the courts shall provide
21 technical assistance to trial courts in developing their language
22 access plans.

23 (6) Each court must provide a copy of its language access plan to
24 the administrative office of the courts in accordance with criteria
25 for approval recommended by the interpreter and language access
26 commission for approval prior to receiving state reimbursement for
27 interpreter costs under this chapter.

28 (7) Each court shall make available on its website translated
29 information that informs the public of procedures necessary to access
30 a court's language access services and programs. The information
31 shall be provided in five or more languages other than English that
32 reputable data indicates are predominant in the jurisdiction.

33 **Sec. 11.** RCW 2.56.030 and 2019 c 271 s 5 are each amended to
34 read as follows:

35 The administrator for the courts shall, under the supervision and
36 direction of the chief justice:

37 (1) Examine the administrative methods and systems employed in
38 the offices of the judges, clerks, stenographers, and employees of

1 the courts and make recommendations, through the chief justice, for
2 the improvement of the same;

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

5 (3) Make recommendations to the chief justice relating to the
6 assignment of judges where courts are in need of assistance and carry
7 out the direction of the chief justice as to the assignments of
8 judges to counties and districts where the courts are in need of
9 assistance;

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

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

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

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

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

28 (9) Submit annually, as of February 1st, to the chief justice, a
29 report of the activities of the administrator's office for the
30 preceding calendar year including activities related to courthouse
31 security;

32 (10) Administer programs and standards for the training and
33 education of judicial personnel;

34 (11) Examine the need for new superior court and district court
35 judge positions under an objective workload analysis. The results of
36 the objective workload analysis shall be reviewed by the board for
37 judicial administration which shall make recommendations to the
38 legislature. It is the intent of the legislature that an objective
39 workload analysis become the basis for creating additional district

1 and superior court positions, and recommendations should address that
2 objective;

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

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

7 (14) Within available funds, develop a curriculum for a general
8 understanding of child development, placement, and treatment
9 resources, as well as specific legal skills and knowledge of relevant
10 statutes including chapters 13.32A, 13.34, and 13.40 RCW, cases,
11 court rules, interviewing skills, and special needs of the abused or
12 neglected child. This curriculum shall be completed and made
13 available to all juvenile court judges, court personnel, and service
14 providers and be updated yearly to reflect changes in statutes, court
15 rules, or case law;

16 (15) Develop, in consultation with the entities set forth in RCW
17 2.56.150(3), a comprehensive statewide curriculum for persons who act
18 as guardians ad litem under Title 13 or 26 RCW. The curriculum shall
19 be made available July 1, 2008, and include specialty sections on
20 child development, child sexual abuse, child physical abuse, child
21 neglect, domestic violence, clinical and forensic investigative and
22 interviewing techniques, family reconciliation and mediation
23 services, and relevant statutory and legal requirements. The
24 curriculum shall be made available to all superior court judges,
25 court personnel, and all persons who act as guardians ad litem;

26 (16) Develop a curriculum for a general understanding of hate
27 crime offenses, as well as specific legal skills and knowledge of RCW
28 9A.36.080, relevant cases, court rules, and the special needs of hate
29 crime offense victims. This curriculum shall be made available to all
30 superior court and court of appeals judges and to all justices of the
31 supreme court;

32 (17) Develop, in consultation with the criminal justice training
33 commission and the commissions established under chapters 43.113,
34 43.115, and 43.117 RCW, a curriculum for a general understanding of
35 ethnic and cultural diversity and its implications for working with
36 youth of color and their families. The curriculum shall be available
37 to all superior court judges and court commissioners assigned to
38 juvenile court, and other court personnel. Ethnic and cultural
39 diversity training shall be provided annually so as to incorporate

1 cultural sensitivity and awareness into the daily operation of
2 juvenile courts statewide;

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

7 (19) Develop a Washington family law handbook in accordance with
8 RCW 2.56.180;

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

12 (21) Administer the family and juvenile court improvement grant
13 program;

14 (22)(a) Administer and distribute amounts appropriated under RCW
15 43.08.250(2) for district court judges' and qualifying elected
16 municipal court judges' salary contributions. The administrator for
17 the courts shall develop a distribution formula for these amounts
18 that does not differentiate between district and elected municipal
19 court judges.

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

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

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

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

31 (23) Subject to the availability of funds specifically
32 appropriated therefor, assist courts in the development and
33 implementation of language (~~(assistance)~~) access plans required under
34 RCW 2.43.090.

35 **Sec. 12.** RCW 7.105.245 and 2021 c 215 s 33 are each amended to
36 read as follows:

37 (1) Pursuant to chapter 2.42 RCW, in order to ensure that parties
38 have meaningful access to the court, an interpreter shall be
39 appointed for any party who is deaf, hard of hearing, deaf-blind, or

1 has a speech impairment and cannot readily understand or communicate
2 in spoken language. Notwithstanding the provisions of chapter 2.42
3 RCW, the court shall not:

4 (a) Appoint an interpreter who is not credentialed or duly
5 qualified by the court to provide interpretation services; or

6 (b) Appoint a person to provide interpretation services if that
7 person is serving as an advocate for the party.

8 (2) Pursuant to chapter 2.43 RCW, in order to ensure that parties
9 have meaningful access to the court, an interpreter shall be
10 appointed for any party who (~~cannot readily speak or understand the~~
11 ~~English language~~) has limited English proficiency. Notwithstanding
12 the provisions of chapter 2.43 RCW, the court shall not:

13 (a) Appoint an interpreter who is not credentialed or duly
14 qualified by the court to provide interpretation services; or

15 (b) Appoint a person to provide interpretation services if that
16 person is serving as an advocate for the party.

17 (3) Once an interpreter has been appointed for a party, the party
18 shall no longer be required to make further requests for the
19 appointment of an interpreter for subsequent hearings or proceedings.
20 The clerk shall identify the party as a person who needs interpreter
21 services and the clerk or the court administrator shall be
22 responsible for ensuring that an interpreter is available for every
23 subsequent hearing.

24 (4) The interpreter shall interpret for the party meeting with
25 either counsel or court staff, or both, for the purpose of preparing
26 forms and participating in the hearing and court-ordered assessments,
27 and the interpreter shall sight translate any orders.

28 (5) The same interpreter shall not serve parties on both sides of
29 the proceeding when not on the record, nor shall the interpreter
30 appointed by the court for the proceeding be the same interpreter
31 appointed for any court-ordered assessments, unless the court finds
32 good cause on the record to do so because it is not possible to
33 obtain more than one interpreter for the proceeding, or the safety of
34 the litigants is not compromised, or any other reasons identified by
35 the court.

36 (6) Courts shall make a private space available for parties,
37 counsel, and/or court staff and interpreters to sight translate any
38 written documents or to meet and confer.

1 (7) When a hearing is conducted through telephone, video, or
2 other electronic means, the court must make appropriate arrangements
3 to permit interpreters to serve the parties and the court as needed.

4 **Sec. 13.** RCW 13.04.043 and 1993 c 415 s 6 are each amended to
5 read as follows:

6 The administrator of juvenile court shall obtain interpreters as
7 needed consistent with the intent and practice of chapter 2.43 RCW,
8 to enable ((non-English-speaking)) youth with limited English
9 proficiency and their families to participate in detention,
10 probation, or court proceedings and programs.

11 NEW SECTION. **Sec. 14.** RCW 2.43.040 and 2.43.080 are each
12 recodified as sections in chapter 2.43 RCW.

13 **Sec. 15.** RCW 2.42.120 and 2008 c 291 s 2 are each amended to
14 read as follows:

15 (1) If a hearing impaired person is a party or witness at any
16 stage of a judicial or quasi-judicial proceeding in the state or in a
17 political subdivision, including but not limited to civil and
18 criminal court proceedings, grand jury proceedings, proceedings
19 before a magistrate, juvenile proceedings, adoption proceedings,
20 mental health commitment proceedings, and any proceeding in which a
21 hearing impaired person may be subject to confinement or criminal
22 sanction, the appointing authority shall appoint and pay for a
23 qualified interpreter to interpret the proceedings.

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

28 ~~(3) ((If a hearing impaired person participates in a program or~~
29 ~~activity ordered by a court as part of the sentence or order of~~
30 ~~disposition, required as part of a diversion agreement or deferred~~
31 ~~prosecution program, or required as a condition of probation or~~
32 ~~parole, the appointing authority shall appoint and pay for a~~
33 ~~qualified interpreter to interpret exchange of information during the~~
34 ~~program or activity.~~

35 ~~(4) If a law enforcement agency conducts a criminal investigation~~
36 ~~involving the interviewing of a hearing impaired person, whether as a~~
37 ~~victim, witness, or suspect, the appointing authority shall appoint~~

1 and pay for a qualified interpreter throughout the investigation.
2 Whenever a law enforcement agency conducts a criminal investigation
3 involving the interviewing of a minor child whose parent, guardian,
4 or custodian is hearing impaired, whether as a victim, witness, or
5 suspect, the appointing authority shall appoint and pay for a
6 qualified interpreter throughout the investigation. No employee of
7 the law enforcement agency who has responsibilities other than
8 interpreting may be appointed as the qualified interpreter.

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

16 ~~(6))~~ Where it is the policy and practice of a court of this
17 state or of a political subdivision to appoint and pay counsel for
18 persons who are indigent, the appointing authority shall appoint and
19 pay for a qualified interpreter for hearing impaired persons to
20 facilitate communication with counsel in all phases of the
21 preparation and presentation of the case.

22 ~~((7))~~ (4) Subject to the availability of funds specifically
23 appropriated therefor, the administrative office of the courts shall
24 reimburse the appointing authority for up to one-half of the payment
25 to the interpreter where a qualified interpreter is appointed for a
26 hearing impaired person by a judicial officer in a proceeding before
27 a court under subsection (1) ~~((7))~~ or (2) ~~((7 or (3))~~) of this section
28 in compliance with the provisions of RCW 2.42.130 and 2.42.170.

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