
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 669 Session of
2005

INTRODUCED BY COSTA, GREENLEAF, STOUT, TOMLINSON, EARLL, ORIE,
RAFFERTY, STACK, O'PAKE, LOGAN, PIPPY, MUSTO, C. WILLIAMS,
WONDERLING, TARTAGLIONE, KASUNIC, LAVALLE, PILEGGI AND
KITCHEN, MAY 9, 2005

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
NOVEMBER 20, 2006

AN ACT

1 Amending Titles 2 (Administrative Law and Procedure) and 42
2 (Judiciary and Judicial Procedure) of the Pennsylvania
3 Consolidated Statutes, providing for court and administrative
4 proceeding interpreters; and repealing related provisions.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Section 101 of Title 2 of the Pennsylvania
8 Consolidated Statutes is amended to read:

9 § 101. Definitions.

10 Subject to additional definitions contained in subsequent
11 provisions of this title which are applicable to specific
12 provisions of this title, the following words and phrases when
13 used in this title shall have, unless the context clearly
14 indicates otherwise, the meanings given to them in this section:

15 "Adjudication." Any final order, decree, decision,
16 determination or ruling by an agency affecting personal or
17 property rights, privileges, immunities, duties, liabilities or

1 obligations of any or all of the parties to the proceeding in
2 which the adjudication is made. The term does not include any
3 order based upon a proceeding before a court or which involves
4 the seizure or forfeiture of property, paroles, pardons or
5 releases from mental institutions.

6 ~~"Administrative law judge." An individual appointed by an~~ <—
7 ~~agency to preside at an administrative proceeding.~~

8 "Administrative proceeding." Any proceeding other than a
9 judicial proceeding, the outcome of which is required to be
10 based on a record or documentation prescribed by law or in which
11 law or regulation is particularized in application to
12 individuals. The term includes an appeal.

13 "Agency." A government agency.

14 "Appeal." Includes proceedings on petition for review.

15 "Certified interpreter." A person who:

16 (1) is readily able to interpret; and EITHER <—

17 (2) is certified by the Department of Labor and Industry
18 in accordance with Subchapter C (relating to administrative
19 proceeding interpreters for persons with limited English
20 ~~proficiency) or D (relating to administrative proceeding~~ <—
21 ~~interpreters for persons who are deaf) of Chapter 5.~~

22 PROFICIENCY); OR <—

23 (3) IS CERTIFIED BY THE DEPARTMENT OF LABOR AND INDUSTRY
24 IN ACCORDANCE WITH SUBCHAPTER D (RELATING TO ADMINISTRATIVE
25 PROCEEDING INTERPRETERS FOR PERSONS WHO ARE DEAF) OR IS
26 REGISTERED WITH THE DEPARTMENT PURSUANT TO THE ACT OF JULY 2,
27 2004 (P.L.492, NO.57), KNOWN AS THE SIGN LANGUAGE INTERPRETER
28 AND TRANSLITERATOR STATE REGISTRATION ACT.

29 "Commonwealth agency." Any executive agency or independent
30 agency.

1 "Commonwealth government." The government of the
2 Commonwealth, including the courts and other officers or
3 agencies of the unified judicial system, the General Assembly,
4 and its officers and agencies, the Governor, and the
5 departments, boards, commissions, authorities and officers and
6 agencies of the Commonwealth, but the term does not include any
7 political subdivision, municipal or other local authority, or
8 any officer or agency of any such political subdivision or local
9 authority.

10 "Court Administrator of Pennsylvania." The court
11 administrator appointed by the Supreme Court under section 10(b)
12 of Article V of the Constitution of Pennsylvania and 42 Pa.C.S.
13 § 1901 (relating to Court Administrator of Pennsylvania).

14 "Deaf." An impairment of hearing or speech which creates an
15 inability to understand or communicate the spoken English
16 language.

17 "Department." The Department of Labor and Industry of the
18 Commonwealth.

19 "Executive agency." The Governor and the departments,
20 boards, commissions, authorities and other officers and agencies
21 of the Commonwealth government, but the term does not include
22 any court or other officer or agency of the unified judicial
23 system, the General Assembly and its officers and agencies, or
24 any independent agency.

25 "General rule." As defined in 42 Pa.C.S. § 102 (relating to
26 definitions).

27 "Government agency." Any Commonwealth agency or any
28 political subdivision or municipal or other local authority, or
29 any officer or agency of any such political subdivision or local
30 authority.

1 "Government unit." The General Assembly and its officers and
2 agencies, any government agency or any court or other officer or
3 agency of the unified judicial system.

4 "Independent agency." Boards, commissions, authorities and
5 other agencies and officers of the Commonwealth government which
6 are not subject to the policy supervision and control of the
7 Governor, but the term does not include any court or other
8 officer or agency of the unified judicial system or the General
9 Assembly and its officers and agencies.

10 "Interpret." Either one of the following:

11 (1) For purposes of Subchapter C of Chapter 5 (relating
12 to administrative proceeding interpreters for persons with
13 limited English proficiency), to convey spoken and written
14 English into the language of the person with limited English
15 proficiency and to convey oral and written statements by the
16 person into SPOKEN English.

←

17 (2) For purposes of Subchapter D of Chapter 5 (relating
18 to administrative proceeding interpreters for persons who are
19 deaf), to convey spoken English in a manner understood by the
20 person who is deaf and to convey statements made by the
21 person who is deaf into English through, but not limited to,
22 American Sign Language and transliteration or the use of
23 Computer Aided Real Time Captioning (CART) or similar
24 procedure.

25 "Interpreter." Includes both a certified interpreter and an
26 otherwise qualified interpreter.

27 "Judicial proceeding." An "action," "appeal" or "proceeding"
28 in any "court" of this Commonwealth as those terms are defined
29 in 42 Pa.C.S. § 102 (relating to definitions).

30 "Limited ability to speak or understand English." The

1 ability to speak exclusively or primarily a language other than
2 English and the inability to sufficiently speak or understand
3 English.

4 "Local agency." A government agency other than a
5 Commonwealth agency.

6 "Matter." Action, proceeding or appeal.

7 "Otherwise qualified interpreter." A person who:

8 (1) For purposes of Subchapter C of Chapter 5 (relating
9 to administrative proceeding interpreters for persons with
10 limited English proficiency):

11 (i) is readily able to interpret; and

12 (ii) has read, understands and agrees to abide by
13 the code of professional conduct for administrative
14 proceeding interpreters for persons with limited English
15 proficiency as established by the Department of Labor and
16 Industry in accordance with Subchapter C of Chapter 5.

17 (2) For purposes of Subchapter D of Chapter 5 (relating
18 to administrative proceeding interpreters for persons who are
19 deaf):

20 (i) is readily able to interpret;

21 (ii) is certified by the National Association of the
22 Deaf, the Registry of Interpreters for the Deaf or
23 similar registry; and

24 (iii) has read, understands and agrees to abide by
25 the code of professional conduct for administrative
26 proceeding interpreters for persons who are deaf as
27 established by the Department of Labor and Industry in
28 accordance with Subchapter D of Chapter 5.

29 "Party." Any person who appears in a proceeding before an
30 agency who has a direct interest in the subject matter of such

1 proceeding.

2 "Person." Includes a government unit or an agency of the
3 Federal Government.

4 "Person who is deaf." A party or witness who is deaf.

5 "Person with limited English proficiency." A party or a
6 witness who has limited ability to speak or understand English.

7 "PRESIDING OFFICER." AN INDIVIDUAL APPOINTED BY AN AGENCY TO <—
8 PRESIDE AT AN ADMINISTRATIVE PROCEEDING.

9 "Transliteration." To convey spoken or written English in an
10 English-based sign system and the process of conveying an
11 English-based sign system in spoken or written English.

12 "Witness." A person who testifies in a proceeding before an
13 agency.

14 ~~Section 2. Section 505.1 of Title 2 is repealed.~~ <—

15 SECTION 2. SECTION 505.1 OF TITLE 2 IS AMENDED TO READ: <—

16 [§ 505.1. INTERPRETERS FOR THE DEAF.

17 (A) APPOINTMENT.--IN ANY PROCEEDING BEFORE A COMMONWEALTH
18 AGENCY IN WHICH A PARTY IS DEAF THE AGENCY SHALL APPOINT AN
19 INTERPRETER TO ASSIST THE PARTY THROUGHOUT THE PROCEEDING.

20 (B) OATH.--THE INTERPRETER SHALL SWEAR OR AFFIRM THAT HE
21 WILL MAKE A TRUE INTERPRETATION TO THE DEAF PERSON AND THAT HE
22 WILL REPEAT THE STATEMENTS OF THE DEAF PERSON TO THE BEST OF HIS
23 ABILITY.

24 (C) DEFINITIONS.--AS USED IN THIS SECTION THE FOLLOWING
25 WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS
26 SUBSECTION:

27 "DEAF." PERSONS WHO ARE DEAF OR WHOSE HEARING IS SO IMPAIRED
28 THAT THEY ARE UNABLE TO UNDERSTAND OR COMMUNICATE THE SPOKEN
29 ENGLISH LANGUAGE.

30 "INTERPRETER." A PERSON QUALIFIED AND TRAINED TO TRANSLATE

1 FOR OR COMMUNICATE WITH DEAF PERSONS. ANY PERSON CERTIFIED BY
2 THE NATIONAL OR LOCAL REGISTRY OF INTERPRETERS FOR THE DEAF OR
3 SIMILAR REGISTRY SHALL BE CONSIDERED QUALIFIED FOR THE PURPOSES
4 OF THIS SECTION.]

5 Section 3. Chapter 5 of Title 2 is amended by adding
6 subchapters to read:

7 SUBCHAPTER C

8 ADMINISTRATIVE PROCEEDING INTERPRETERS

9 FOR PERSONS WITH LIMITED ENGLISH PROFICIENCY

10 Sec.

11 561. Scope of subchapter.

12 562. Duties of department.

13 563. Appointment of interpreter.

14 564. Replacement of interpreter.

15 565. Oath.

16 566. Confidential communications in presence of interpreter.

17 567. Cost of providing interpreter.

18 568. Funding.

19 § 561. Scope of subchapter.

20 (a) Commonwealth agencies.--Except as provided in subsection

21 (b), this subchapter applies to all Commonwealth agencies.

22 (b) Exception.--This subchapter does not apply to:

23 (1) Proceedings before the Department of Revenue, the
24 Department of the Auditor General or the Board of Finance and
25 Revenue involving the original settlement, assessment or
26 determination or resettlement, reassessment or
27 redetermination, review or refund of taxes, interest or
28 payments made into the State Treasury.

29 (2) Proceedings before the Secretary of the Commonwealth
30 under the act of June 3, 1937 (P.L.1333, No.320), known as

1 the Pennsylvania Election Code.

2 (3) Proceedings before the Department of Transportation
3 involving matters reviewable under 42 Pa.C.S. § 933 (relating
4 to appeals from government agencies).

5 (4) Proceedings before the State System of Higher
6 Education involving student discipline.

7 (c) Local agencies.--This subchapter applies to all local
8 agencies.

9 § 562. Duties of department.

10 (a) Interpreter program.--The department shall establish a
11 program to appoint and use certified interpreters in
12 administrative proceedings that is consistent with the program
13 established by the Administrative Office of Pennsylvania Courts
14 pursuant to 42 Pa.C.S. Ch. 44 (relating to court interpreters).

15 AS PART OF THE PROGRAM, THE DEPARTMENT MAY GRANT AUTOMATIC
16 CERTIFICATION TO ANY INTERPRETER THAT HAS BEEN CERTIFIED
17 PURSUANT TO 42 PA.C.S. CH. 44. To certify interpreters, the
18 department ~~shall~~ MAY establish a program which may include: <—

19 (1) establishing and administering a comprehensive
20 testing and certification program for interpreters;

21 (2) establishing and adopting standards of proficiency,
22 written and oral, in English and the language to be
23 interpreted, including, but not limited to, certification by
24 the Court Administrator of Pennsylvania as provided in 42
25 Pa.C.S. Ch. 44;

26 (3) conducting periodic examinations to ensure the
27 availability of certified interpreters PURSUANT TO THIS <—
28 SUBCHAPTER;

29 (4) prescribing, determining and certifying the
30 qualifications of persons who may serve as certified

1 interpreters for persons with limited English proficiency;

2 (5) charging reasonable fees, as deemed necessary, for
3 testing and certification;

4 (6) reciprocity of certification for interpreters from
5 other jurisdictions provided that in the judgment of the
6 department, the criteria for certification in the foreign
7 jurisdiction is at least as stringent as that established by
8 the department or the Court Administrator of Pennsylvania;

9 (7) providing for the audio recording of testimony that
10 is the subject of interpretation; and

11 (8) providing a continuing education requirement for
12 interpreters.

13 (b) List of certified interpreters.--The department shall
14 compile, maintain and disseminate a current list of interpreters
15 certified by the department to the agencies through any means
16 deemed appropriate by the department, including, but not limited
17 to, a written directory and publication on the official World
18 Wide Web site of the department.

19 (c) Guidelines for selection of otherwise qualified
20 interpreters.--The department shall provide guidelines to the
21 agencies for the selection and use of otherwise qualified
22 interpreters in order to ensure that the highest standards of
23 accuracy are maintained in all administrative proceedings
24 subject to this subchapter.

25 (d) Fee schedule.--The department shall prescribe, subject
26 to periodic review, a schedule of reasonable fees for services
27 rendered by certified interpreters and otherwise qualified
28 interpreters.

29 (e) Standards of professional conduct.--

30 (1) The department shall establish and adopt standards

1 for a code of professional conduct for administrative
2 proceeding interpreters for persons with limited English
3 proficiency.

4 (2) The department shall establish, administer or
5 recommend a process to review and respond to allegations of
6 violations of the code of professional conduct for
7 administrative proceeding interpreters for persons with
8 limited English proficiency, including, but not limited to,
9 decertification and other disciplinary measures.

10 (f) Certification by courts.--Any interpreter certified by
11 the Administrative Office of Pennsylvania Courts pursuant to 42
12 Pa.C.S. Ch. 44 shall be deemed certified pursuant to this
13 chapter.

14 § 563. Appointment of interpreter.

15 (a) Appointment of certified interpreter.--Upon request OR <—
16 SUA SPONTE, ~~an administrative law judge~~ A PRESIDING OFFICER <—
17 shall appoint a certified interpreter, unless a certified
18 interpreter is unavailable as provided in subsection (b).

19 (b) Appointment of otherwise qualified interpreter when
20 certified interpreter is unavailable.--

21 (1) An otherwise qualified interpreter shall be
22 appointed by the ~~administrative law judge~~ PRESIDING OFFICER <—
23 if a good faith effort was made to obtain a certified
24 interpreter and a certified interpreter was not reasonably
25 available, as determined by the ~~administrative law judge~~ <—
26 PRESIDING OFFICER. <—

27 (2) Prior to the appointment of an otherwise qualified
28 interpreter, the ~~administrative law judge~~ PRESIDING OFFICER <—
29 shall state on the record that the otherwise qualified
30 interpreter:

1 (i) is readily able to interpret; and
2 (ii) has read, understands and agrees to abide by
3 the code of professional conduct for administrative
4 proceeding interpreters for persons with limited English
5 proficiency, as established by the department.

6 (c) Additional interpreters.--After consideration of the
7 length of the administrative proceeding and the number of
8 persons with limited English proficiency involved, ~~an~~ <—
9 ~~administrative law judge~~ A PRESIDING OFFICER may appoint, as <—
10 provided in subsections (a) and (b), an additional interpreter
11 or provide for additional interpretation in a manner deemed
12 appropriate by the ~~administrative law judge~~ PRESIDING OFFICER. <—

13 § 564. Replacement of interpreter.

14 ~~An administrative law judge~~ A PRESIDING OFFICER shall dismiss <—
15 the interpreter and obtain the services of another interpreter
16 in accordance with this subchapter, if the interpreter:

17 (1) Fails to follow the standards prescribed by law or
18 by the code of professional conduct for administrative
19 proceeding interpreters for persons with limited English
20 proficiency.

21 (2) Is unable to effectively communicate with the
22 ~~administrative law judge~~ PRESIDING OFFICER or the person with <—
23 limited English proficiency, including where the interpreter
24 self-reports such inability.

25 § 565. Oath.

26 Before the commencement of interpreter duties, an interpreter
27 appointed under this subchapter shall take an oath or make an
28 affirmation on the record that the interpreter will make a true
29 interpretation to the person with limited English proficiency in
30 the language which the person with limited English proficiency

1 understands and that the interpreter will repeat the statements
2 of the person with limited English proficiency to the court in
3 English to the best of the interpreter's skill and judgment and
4 in accordance with the code of professional conduct for
5 administrative proceeding interpreters for persons with limited
6 English proficiency.

7 § 566. Confidential communications in presence of interpreter.

8 An interpreter appointed under this subchapter may not be
9 compelled to testify, in any judicial proceeding or
10 administrative proceeding, to statements made by the person with
11 limited English proficiency and interpreted by the interpreter
12 when the person with limited English proficiency is engaged in a
13 confidential communication as provided by any statute or general
14 rule, including, but not limited to:

15 (1) 42 Pa.C.S. § 5916 (relating to confidential
16 communications to attorney).

17 (2) 42 Pa.C.S. § 5928 (relating to confidential
18 communications to attorney).

19 (3) 42 Pa.C.S. § 5942 (relating to confidential
20 communications to news reporters).

21 (4) 42 Pa.C.S. § 5943 (relating to confidential
22 communications to clergymen).

23 (5) 42 Pa.C.S. § 5944 (relating to confidential
24 communications to psychiatrists or licensed psychologists).

25 (6) 42 Pa.C.S. § 5945 (relating to confidential
26 communications to school personnel).

27 (7) 42 Pa.C.S. § 5945.1 (relating to confidential
28 communications with sexual assault counselors).

29 (8) 42 Pa.C.S. § 5945.2 (relating to confidential
30 communications to crime stopper or similar anticrime

1 program).

2 § 567. Cost of providing interpreter.

3 An interpreter appointed in accordance with this subchapter
4 is entitled to a reasonable fee for interpreter services and
5 shall be reimbursed for actual and reasonable expenses by the
6 agency conducting the administrative proceeding.

7 § 568. Funding.

8 Except as provided in section 567 (relating to cost of
9 providing interpreter), the General Assembly shall appropriate
10 to the department such sums as may be necessary to establish a
11 program to facilitate the use of interpreters and otherwise
12 fulfill the provisions of this subchapter. Implementation of
13 this section is contingent upon the availability of appropriated
14 funds to carry out the purposes of this section.

15 SUBCHAPTER D

16 ADMINISTRATIVE PROCEEDING INTERPRETERS

17 FOR PERSONS WHO ARE DEAF

18 Sec.

19 581. Scope of subchapter.

20 582. Duties of department.

21 583. Appointment of interpreter.

22 584. Replacement of interpreter.

23 585. Oath.

24 586. Confidential communications in presence of interpreter.

25 587. Cost of providing interpreter.

26 588. Funding.

27 § 581. Scope of subchapter.

28 (a) Commonwealth agencies.--Except as provided in subsection

29 (b), this subchapter applies to all Commonwealth agencies.

30 (b) Exception.--This subchapter does not apply to:

1 (1) Proceedings before the Department of Revenue, the
2 Department of the Auditor General or the Board of Finance and
3 Revenue, involving the original settlement, assessment or
4 determination or resettlement, reassessment or
5 redetermination, review or refund of taxes, interest or
6 payments made into the State Treasury.

7 (2) Proceedings before the Secretary of the Commonwealth
8 under the act of June 3, 1937 (P.L.1333, No.320), known as
9 the Pennsylvania Election Code.

10 (3) Proceedings before the Department of Transportation
11 involving matters reviewable under 42 Pa.C.S. § 933 (relating
12 to appeals from government agencies).

13 (4) Proceedings before the State System of Higher
14 Education involving student discipline.

15 (c) Local agencies.--This subchapter applies to all local
16 agencies.

17 § 582. Duties of department.

18 (a) Interpreter program.--The department shall establish a
19 program to appoint and use certified interpreters in
20 administrative proceedings that is consistent with the program
21 established by the Administrative Office of Pennsylvania Courts
22 pursuant to 42 Pa.C.S. Ch. 44 (relating to court interpreters).

23 AS PART OF THE PROGRAM, THE DEPARTMENT MAY GRANT AUTOMATIC <—
24 CERTIFICATION TO ANY INTERPRETER THAT HAS BEEN CERTIFIED
25 PURSUANT TO 42 PA.C.S. CH. 44. To certify interpreters, the
26 department ~~shall~~ MAY establish a program which may include: <—

27 (1) establishing and administering a comprehensive
28 testing and certification program for interpreters PURSUANT <—
29 TO THIS SUBCHAPTER;

30 (2) establishing and adopting standards of proficiency,

1 including, but not limited to, certification by the Court
2 Administrator of Pennsylvania as provided in 42 Pa.C.S. Ch.
3 44 and certification by the Registry for Interpreters for the
4 Deaf or similar registry;

5 (3) conducting periodic examinations to ensure the
6 availability of certified interpreters;

7 (4) prescribing, determining and certifying the
8 qualifications of persons who may serve as certified
9 interpreters;

10 (5) charging reasonable fees, as deemed necessary, for
11 testing and certification;

12 (6) reciprocity of certification for interpreters from
13 other jurisdictions provided that in the judgment of the
14 department, the criteria for certification in the foreign
15 jurisdiction is as least as stringent as that established by
16 the department or the Court Administrator of Pennsylvania;

17 (7) providing for the audio recording of testimony that
18 is the subject of interpretation; and

19 (8) providing a continuing education requirement for
20 interpreters.

21 (b) List of certified interpreters.--The department shall
22 compile, maintain and disseminate a current list of interpreters
23 certified by the department to the agencies through any means
24 deemed appropriate by the department, including, but not limited
25 to, a written directory and publication on the official World
26 Wide Web site of the department.

27 (c) Guidelines for selection of otherwise qualified
28 interpreters.--The department shall provide guidelines to the
29 agencies for the selection and use of otherwise qualified
30 interpreters in order to ensure that the highest standards of

1 accuracy are maintained in all administrative proceedings
2 subject to this subchapter.

3 (d) Fee schedule.--The department shall prescribe, subject
4 to periodic review, a schedule of reasonable fees for services
5 rendered by certified interpreters and otherwise qualified
6 interpreters.

7 (e) Standards of professional conduct.--

8 (1) The department shall establish and adopt standards
9 for a code of professional conduct for administrative
10 proceeding interpreters for persons who are deaf.

11 (2) The department shall establish, administer or
12 recommend a process to review and respond to allegations of
13 violations of the code of professional conduct for
14 administrative proceeding interpreters for persons who are
15 deaf, including, but not limited to, decertification and
16 other disciplinary measures.

17 (f) Certification by courts.--Any interpreter certified by
18 the Administrative Office of Pennsylvania Courts pursuant to 42
19 Pa.C.S. Ch. 44 shall be deemed certified pursuant to this
20 chapter.

21 § 583. Appointment of interpreter.

22 (a) Appointment of certified interpreter.--Upon request, ~~an~~ <—
23 ~~administrative law judge~~ A PRESIDING OFFICER shall appoint a <—
24 certified interpreter unless the certified interpreter is
25 unavailable as provided in subsection (b).

26 (b) Appointment of otherwise qualified interpreter when
27 certified interpreter is unavailable.--

28 (1) An otherwise qualified interpreter shall be
29 appointed by ~~an administrative law judge~~ A PRESIDING OFFICER <—
30 if a good faith effort was made to obtain a certified

1 interpreter and a certified interpreter was not reasonably
2 available, as determined by the ~~administrative law judge~~ <—
3 PRESIDING OFFICER. <—

4 (2) Prior to the appointment of an otherwise qualified
5 interpreter, the ~~administrative law judge~~ PRESIDING OFFICER <—
6 shall state on the record that to the best of the knowledge
7 of the ~~administrative law judge~~ PRESIDING OFFICER, the <—
8 otherwise qualified interpreter:

9 (i) is readily able to interpret;

10 (ii) is certified by the National Association for
11 the Deaf, the Registry of Interpreters for the Deaf or
12 similar registry, to the best of the knowledge of the
13 administrative law judge; and

14 (iii) has read, understands and agrees to abide by
15 the code of professional conduct for administrative
16 proceeding interpreters for persons who are deaf, as
17 established by the department.

18 (c) Additional interpreters.--After consideration of the
19 length of the administrative proceeding, the special needs of
20 the person who is deaf, and the number of persons involved who
21 are deaf, the ~~administrative law judge~~ PRESIDING OFFICER may <—
22 appoint, as provided in subsections (a) and (b), an additional
23 interpreter or provide for additional interpretation in a manner
24 deemed appropriate by the ~~administrative law judge~~ PRESIDING <—
25 OFFICER.

26 § 584. Replacement of interpreter.

27 ~~An administrative law judge~~ A PRESIDING OFFICER shall dismiss <—
28 the interpreter and obtain the services of another interpreter
29 in accordance with this subchapter if the interpreter:

30 (1) Fails to follow the standards prescribed by law or

1 by the code of professional conduct for administrative
2 proceeding interpreters for persons who are deaf.

3 (2) Is unable to effectively communicate with the
4 ~~administrative law judge~~ PRESIDING OFFICER or person who is ←
5 deaf, including where the interpreter self-reports such
6 inability.

7 § 585. Oath.

8 Before the commencement of interpreter duties, an interpreter
9 appointed under this subchapter shall take an oath or make an
10 affirmation on the record that the interpreter will make a true
11 interpretation to the person who is deaf in the manner that the
12 person who is deaf understands and that the interpreter will
13 repeat the statements of the person who is deaf to the court in
14 the spoken English language to the best of the interpreter's
15 skill and judgment and in accordance with the code of
16 professional conduct for administrative proceeding interpreters
17 for persons who are deaf.

18 § 586. Confidential communications in presence of interpreter.

19 An interpreter appointed under this subchapter may not be
20 compelled to testify, in any judicial proceeding or
21 administrative proceeding, to statements made by the person who
22 is deaf and interpreted by the interpreter when the person who
23 is deaf is engaged in a confidential communication as provided
24 by any statute or general rule, including, but not limited to:

25 (1) 42 Pa.C.S. § 5916 (relating to confidential
26 communications to attorney).

27 (2) 42 Pa.C.S. § 5928 (relating to confidential
28 communications to attorney).

29 (3) 42 Pa.C.S. § 5942 (relating to confidential
30 communications to news reporters).

1 (4) 42 Pa.C.S. § 5943 (relating to confidential
2 communications to clergymen).

3 (5) 42 Pa.C.S. § 5944 (relating to confidential
4 communications to psychiatrists or licensed psychologists).

5 (6) 42 Pa.C.S. § 5945 (relating to confidential
6 communications to school personnel).

7 (7) 42 Pa.C.S. § 5945.1 (relating to confidential
8 communications with sexual assault counselors).

9 (8) 42 Pa.C.S. § 5945.2 (relating to confidential
10 communications to crime stopper or similar anticrime
11 program).

12 § 587. Cost of providing interpreter.

13 An interpreter appointed in accordance with this subchapter
14 is entitled to a reasonable fee for interpreter services and
15 shall be reimbursed for actual and reasonable expenses by the
16 agency conducting the administrative proceeding.

17 § 588. Funding.

18 Except as provided in section 587 (relating to cost of
19 providing interpreter), the General Assembly shall appropriate
20 to the department such sums as may be necessary to establish a
21 program to facilitate the use of interpreters and otherwise
22 fulfill the provisions of this subchapter. Implementation of
23 this section is contingent upon the availability of appropriated
24 funds to carry out the purposes of this section.

25 Section 4. Title 42 is amended by adding a chapter to read:

26 CHAPTER 44

27 COURT INTERPRETERS

28 Subch.

29 A. General Provisions

30 B. Court Interpreters for Persons With Limited English

1 Proficiency

2 C. Court Interpreters for Persons Who are Deaf

3 SUBCHAPTER A

4 GENERAL PROVISIONS

5 Sec.

6 4401. Legislative findings and declaration.

7 4402. Definitions.

8 § 4401. Legislative findings and declaration.

9 It is hereby declared to be the policy of this Commonwealth
10 to secure the rights, constitutional and otherwise, of persons
11 who because of a non-English speaking cultural background or who
12 because of an impairment of hearing or speech are unable to
13 understand or communicate adequately in the English language
14 when they appear in court or are involved in judicial
15 proceedings. It is the intent of this chapter to provide for the
16 certification, appointment and use of interpreters to secure the
17 rights of persons with limited English proficiency and persons
18 who are deaf or hearing impaired in all judicial proceedings.

19 § 4402. Definitions.

20 The following words and phrases when used in this chapter
21 shall have the meanings given to them in this section unless the
22 context clearly indicates otherwise:

23 "Administrative proceeding." Any proceeding other than a
24 judicial proceeding, the outcome of which is required to be
25 based on a record or documentation prescribed by law or in which
26 law or regulation is particularized in application to
27 individuals. The term includes an appeal as defined in 2 Pa.C.S.
28 § 101 (relating to definitions).

29 "Certified interpreter." A person who:

30 (1) is readily able to interpret; and

1 (2) is certified by the Court Administrator in
2 accordance with either Subchapter B (relating to court
3 interpreters for persons with limited English proficiency) or
4 Subchapter C (relating to court interpreters for persons who
5 are deaf).

6 "Court Administrator." The Court Administrator of
7 Pennsylvania.

8 "Deaf." An impairment of hearing or speech which creates an
9 inability to understand or communicate the spoken English
10 language.

11 "Direct victim." A direct victim as defined in section 103
12 of the act of November 24, 1998 (P.L.882, No.111), known as the
13 Crime Victims Act.

14 "Immediate family member." A spouse, parent or child.

15 "Interpret." Either one of the following:

16 (1) For purposes of Subchapter B (relating to court
17 interpreters for persons with limited English proficiency),
18 to convey spoken and written English into the language of the
19 person with limited English proficiency and to convey oral
20 and written statements by the person with limited English
21 proficiency into SPOKEN English. ←

22 (2) For purposes of Subchapter C (relating to court
23 interpreters for persons who are deaf), to convey spoken
24 English in a manner understood by the person who is deaf
25 through, but not limited to, American Sign Language and
26 transliteration or the use of Computer-Aided Real-Time
27 Captioning (CART) or similar procedure, and to convey the
28 communications made by the person who is deaf into spoken
29 English.

30 "Interpreter." Includes both a certified interpreter and an

1 otherwise qualified interpreter.

2 "Judicial proceeding." An action, appeal or proceeding in
3 any court of this Commonwealth.

4 "Limited ability to speak or understand English." The
5 ability to speak exclusively or primarily a language other than
6 English and the inability to sufficiently speak or understand
7 English.

8 "Otherwise qualified interpreter." A person who:

9 (1) For purposes of Subchapter B (relating to court
10 interpreters for persons with limited English proficiency):

11 (i) is readily able to interpret; and

12 (ii) has read, understands and agrees to abide by
13 the code of professional conduct for court interpreters
14 for persons with limited English proficiency as
15 established by the Court Administrator in accordance with
16 Subchapter B.

17 (2) For purposes of Subchapter C (relating to court
18 interpreters for persons who are deaf):

19 (i) is readily able to interpret;

20 (ii) is certified by the National Association of the
21 Deaf, the Registry of Interpreters for the Deaf or
22 similar registry; and

23 (iii) has read, understands and agrees to abide by
24 the code of professional conduct for court interpreters
25 for persons who are deaf as established by the Court
26 Administrator in accordance with Subchapter C.

27 "Person who is deaf." A principal party in interest or a
28 witness who is deaf.

29 "Person with limited English proficiency." A principal party
30 in interest or a witness, who has limited ability to speak or

1 understand English.

2 "Presiding judicial officer." Includes a judicial officer as
3 defined in section 102 (relating to definitions).

4 "Principal party in interest." A person involved in a
5 judicial proceeding who is a named party, defendant or direct
6 victim in a criminal proceeding or proceeding, pursuant to 42 <—
7 Pa.C.S. Ch. CHAPTER 63 (relating to juvenile matters), will be <—
8 bound by the decision or action or is foreclosed from pursuing
9 that person's rights by the decision or action which may be
10 taken in the judicial proceeding.

11 "Transliteration." To convey spoken or written English in an
12 English-based sign system and the process of conveying an
13 English-based sign system in spoken or written English.

14 "Witness." A person who testifies in a judicial proceeding.

15 SUBCHAPTER B

16 COURT INTERPRETERS FOR PERSONS WITH LIMITED ENGLISH PROFICIENCY
17 Sec.

18 4411. Duties of Court Administrator.

19 4412. Appointment of interpreter.

20 4413. Replacement of interpreter.

21 4414. Oath.

22 4415. Confidential communications in presence of interpreter.

23 4416. Cost of providing interpreter.

24 4417. Funding.

25 § 4411. Duties of Court Administrator.

26 (a) Interpreter program.--The Court Administrator may
27 establish a program to appoint and use certified interpreters in
28 judicial proceedings. The program established by the Court
29 Administrator to certify interpreters may include:

30 (1) establishing and administering a comprehensive

1 testing and certification program for interpreters;

2 (2) establishing and adopting standards of proficiency,
3 written and oral, in English and the language to be
4 interpreted;

5 (3) conducting periodic examinations to ensure the
6 availability of certified interpreters;

7 (4) prescribing, determining and certifying the
8 qualifications of persons who may serve as certified
9 interpreters for persons with limited English proficiency;

10 (5) charging reasonable fees as deemed necessary for
11 testing and certification;

12 (6) reciprocity of certification for interpreters from
13 other jurisdictions provided that in the judgment of the
14 Court Administrator, the criteria for certification in the
15 foreign jurisdiction is at least as stringent as that
16 established by the Court Administrator;

17 (7) providing for the audio recording of testimony that
18 is the subject of interpretation; and

19 (8) providing a continuing education requirement for
20 interpreters.

21 (b) List of certified interpreters.--The Court Administrator
22 shall compile, maintain and disseminate a current list of
23 interpreters certified by the Court Administrator for the courts
24 through any means deemed appropriate by the Court Administrator,
25 including, but not limited to, a written directory, which shall
26 be maintained on file with the office of the clerk of courts in
27 each judicial district, and through publication on the official
28 World Wide Web site of the Administrative Office.

29 (c) Guidelines for court selection of otherwise qualified
30 interpreters.--The Court Administrator shall provide guidelines

1 to the courts for the selection and use of otherwise qualified
2 interpreters in order to ensure that the highest standards of
3 accuracy are maintained in all judicial proceedings subject to
4 the provisions of this subchapter.

5 (d) Fee schedule.--The Court Administrator shall prescribe,
6 subject to periodic review, a schedule of reasonable fees for
7 services rendered by certified interpreters and otherwise
8 qualified interpreters used in judicial proceedings.

9 (e) Standards of professional conduct.--

10 (1) The Court Administrator shall establish and adopt
11 standards for a code of professional conduct for court
12 interpreters for persons with limited English proficiency.

13 (2) The Court Administrator shall establish, administer
14 or recommend a process to review and respond to allegations
15 of violations of the code of professional conduct for court
16 interpreters for persons with limited English proficiency,
17 including, but not limited to, decertification and other
18 disciplinary measures.

19 § 4412. Appointment of interpreter.

20 (a) Appointment of certified interpreter.--Upon request or
21 sua sponte, if the presiding judicial officer determines that a
22 principal party in interest OR WITNESS has a limited ability to <—
23 speak or understand English, then a certified interpreter shall
24 be appointed, unless the certified interpreter is unavailable as
25 provided in subsection (b).

26 (b) Appointment of otherwise qualified interpreter.--

27 (1) An otherwise qualified interpreter shall be
28 appointed by the presiding judicial officer if a good faith
29 effort was made to obtain a certified interpreter and a
30 certified interpreter was not reasonably available, as

1 determined by the presiding judicial officer.

2 (2) Prior to the appointment of the otherwise qualified
3 interpreter, the presiding judicial officer, pursuant to
4 general rule, shall state on the record that a certified
5 interpreter is not available and that the otherwise qualified
6 interpreter:

7 (i) is readily able to interpret; and

8 (ii) has read, understands and agrees to abide by
9 the code of professional conduct for court interpreters
10 for persons with limited English proficiency, as
11 established by the Court Administrator.

12 (c) Additional interpreter.--After consideration of the
13 length of the judicial proceeding and the number of persons with
14 limited English proficiency involved, the presiding judicial
15 officer may appoint, as provided in subsections (a) and (b), an
16 additional interpreter or provide for additional interpretation
17 in a manner deemed appropriate by the presiding judicial
18 officer.

19 (d) Immediate family.--The presiding judicial officer may
20 appoint, as provided in subsections (a) and (b), an interpreter
21 or provide for additional interpretation, as provided in
22 subsection (c), for an immediate family member of a principal
23 party in interest.

24 § 4413. Replacement of interpreter.

25 Pursuant to general rule, the presiding judicial officer
26 shall dismiss the interpreter and obtain the services of another
27 interpreter in accordance with this subchapter, if the
28 interpreter:

29 (1) Fails to follow the standards prescribed by law or
30 by the code of professional conduct for court interpreters

1 for persons with limited English proficiency.

2 (2) Is unable to effectively communicate with the
3 presiding judicial officer or the person with limited English
4 proficiency, including where the interpreter self-reports
5 such inability.

6 § 4414. Oath.

7 Before commencement of interpreter duties, an interpreter
8 appointed under this subchapter shall take an oath or make an
9 affirmation on the record that the interpreter will make a true
10 interpretation to the person with limited English proficiency in
11 the language which the person with limited English proficiency
12 understands and that the interpreter will repeat the statements
13 of the person with limited English proficiency to the court in
14 English to the best of the interpreter's skill and judgment and
15 in accordance with the code of professional conduct for court
16 interpreters for persons with limited English proficiency.

17 § 4415. Confidential communications in presence of interpreter.

18 An interpreter appointed under this subchapter shall not be
19 compelled to testify in any judicial proceeding or
20 administrative proceeding to any statements made by the person
21 with limited English proficiency and interpreted by the
22 interpreter when the person with limited English proficiency is
23 engaged in a confidential communication as provided by any
24 statute or general rule, including, but not limited to:

25 (1) Section 5916 (relating to confidential
26 communications to attorney).

27 (2) Section 5928 (relating to confidential
28 communications to attorney).

29 (3) Section 5942 (relating to confidential
30 communications to news reporters).

1 (4) Section 5943 (relating to confidential
2 communications to clergymen).

3 (5) Section 5944 (relating to confidential
4 communications to psychiatrists or licensed psychologists).

5 (6) Section 5945 (relating to confidential
6 communications to school personnel).

7 (7) Section 5945.1 (relating to confidential
8 communications with sexual assault counselors).

9 (8) Section 5945.2 (relating to confidential
10 communications to crime stopper or similar anticrime
11 program).

12 § 4416. Cost of providing interpreter.

13 (a) General rule.--An interpreter appointed in accordance
14 with this subchapter is entitled to a reasonable fee for
15 interpreter services and shall be reimbursed for actual and
16 reasonable expenses as provided in this section.

17 (b) Principal party in interest.--If the person with limited
18 English proficiency is a defendant, party or a direct victim in
19 a judicial proceeding for a criminal matter or juvenile
20 proceeding pursuant to ~~42 Pa.C.S. Ch.~~ CHAPTER 63 (relating to ←
21 juvenile matters), then the payment of the cost of providing the
22 interpreter shall be the responsibility of the county of the
23 court that has jurisdiction over the judicial proceeding for the
24 criminal matter.

25 (c) Witness.--If the person with limited English proficiency
26 is compelled to appear as a witness in a judicial proceeding for
27 a criminal matter, then the payment of the cost of providing the
28 interpreter shall be the responsibility of the county of the
29 court that has jurisdiction over the judicial proceeding for the
30 criminal matter.

1 (d) Payment determination.--Except as provided in
2 subsections (b) and (c), disposition of all or part of the cost
3 of providing interpreter services shall be in the discretion of
4 the presiding judicial officer unless the principal party in
5 interest is indigent. If the principal party in interest is
6 indigent, then the cost of providing interpreter services shall
7 be the responsibility of the county of the court that has
8 jurisdiction over the judicial proceeding. The presiding
9 judicial officer may order reimbursement to the county for its
10 responsibilities under this section.

11 § 4417. Funding.

12 Except as provided in section 4416 (relating to cost of
13 providing interpreter), the General Assembly shall appropriate
14 to the Court Administrator such sums as may be necessary to
15 establish a program to facilitate the use of interpreters and
16 otherwise fulfill the provisions of this subchapter.
17 Implementation of this section is contingent upon the
18 availability of appropriated funds to carry out the purposes of
19 this section.

20 SUBCHAPTER C

21 COURT INTERPRETERS FOR PERSONS WHO ARE DEAF

22 Sec.

23 4431. Duties of Court Administrator.

24 4432. Appointment of interpreter.

25 4433. Replacement of interpreter.

26 4434. Interrogation.

27 4435. Oath.

28 4436. Confidential communications in presence of interpreter.

29 4437. Cost of providing interpreter.

30 4438. Funding.

1 § 4431. Duties of Court Administrator.

2 (a) Interpreter program.--The Court Administrator may
3 establish a program to appoint and use certified interpreters in
4 judicial proceedings. To certify interpreters, the Court
5 Administrator shall either:

6 (1) establish a program, which shall include:

7 (i) establishing and administering a comprehensive
8 testing and certification program for interpreters;

9 (ii) establishing and adopting standards of
10 proficiency, including, but not limited to, certification
11 by the Registry of Interpreters for the Deaf or similar
12 registry;

13 (iii) conducting periodic examinations to ensure the
14 availability of certified interpreters;

15 (iv) prescribing, determining and certifying the
16 qualifications of persons who may serve as certified
17 interpreters; and

18 (v) charging reasonable fees as deemed necessary for
19 testing and certification; or

20 (2) establish and support a certification program by any
21 means as deemed appropriate by the Court Administrator.

22 (b) List of certified interpreters.--The Court Administrator
23 shall compile, maintain and disseminate a current list of
24 interpreters certified by the Court Administrator for the courts
25 through any means deemed appropriate by the Court Administrator,
26 including, but not limited to, a written directory, which shall
27 be maintained on file with the office of the clerk of courts in
28 each judicial district, and through publication on the official
29 World Wide Web site of the Administrative Office.

30 (c) Guidelines for court selection of otherwise qualified

1 interpreters.--The Court Administrator shall provide guidelines
2 to the courts for the selection and use of otherwise qualified
3 interpreters in order to ensure that the highest standards of
4 accuracy are maintained in all judicial proceedings subject to
5 the provisions of this subchapter.

6 (d) Fee schedule.--The Court Administrator shall prescribe,
7 subject to periodic review, a schedule of reasonable fees for
8 services rendered by certified interpreters and otherwise
9 qualified interpreters used in judicial proceedings.

10 (e) Standards of professional conduct.--

11 (1) The Court Administrator shall establish and adopt
12 standards for a code of professional conduct for court
13 interpreters for persons who are deaf.

14 (2) The Court Administrator shall establish, administer
15 or recommend a process to review and respond to allegations
16 of violations of the code of professional conduct for court
17 interpreters of persons who are deaf, including, but not
18 limited to, decertification and other disciplinary measures.

19 § 4432. Appointment of interpreter.

20 (a) Appointment of certified interpreter.--Upon request or
21 sua sponte, if the presiding judicial officer determines that a
22 principal party in interest OR WITNESS is deaf, then a certified <—
23 interpreter shall be appointed, unless the certified interpreter
24 is unavailable as provided in subsection (b).

25 (b) Appointment of otherwise qualified interpreter when
26 certified interpreter is unavailable.--

27 (1) An otherwise qualified interpreter shall be
28 appointed by the presiding judicial officer if a good faith
29 effort was made to obtain a certified interpreter and a
30 certified interpreter was not reasonably available, as

1 determined by the presiding judicial officer.

2 (2) Prior to the appointment of the otherwise qualified
3 interpreter, the presiding judicial officer, pursuant to
4 general rule, shall state on the record that a certified
5 interpreter is not available and that the otherwise qualified
6 interpreter:

7 (i) is readily able to interpret;

8 (ii) is certified by the National Association of the
9 Deaf, the Registry of Interpreters for the Deaf or
10 similar registry to the best of the knowledge of the
11 presiding judicial officer; and

12 (iii) has read, understands and agrees to abide by
13 the code of professional conduct for court interpreters
14 for persons who are deaf, as established by the Court
15 Administrator.

16 (c) Additional interpreter.--After consideration of the
17 length of the judicial proceeding, the special needs of the
18 person who is deaf, and the number of persons involved who are
19 deaf, the presiding judicial officer may appoint, as provided in
20 subsections (a) and (b), an additional interpreter or provide
21 for additional interpretation in a manner deemed appropriate by
22 the presiding judicial officer.

23 (d) Immediate family.--The presiding judicial officer may
24 appoint, as provided in subsections (a) and (b), an interpreter
25 or provide for additional interpretation, as provided in
26 subsection (c), for an immediate family member of a principal
27 party in interest.

28 § 4433. Replacement of interpreter.

29 Pursuant to general rule, the presiding judicial officer
30 shall dismiss the interpreter and obtain the services of another

1 interpreter in accordance with this subchapter, if the
2 interpreter:

3 (1) Fails to follow the standards prescribed by law or
4 by the code of professional conduct for court interpreters
5 for persons who are deaf.

6 (2) Is unable to effectively communicate with the
7 presiding judicial officer or the person who is deaf,
8 including where the interpreter self-reports such inability.

9 § 4434. Interrogation.

10 Upon the arrest of any person who is deaf and prior to
11 interrogation the arresting officer shall make available to the
12 person who is deaf an interpreter who shall be present with the
13 person who is deaf throughout the interrogation.

14 § 4435. Oath.

15 Before commencement of interpreter duties, an interpreter
16 appointed under this subchapter shall take an oath or make an
17 affirmation on the record that the interpreter will make a true
18 interpretation to the person who is deaf in a manner that the
19 person who is deaf understands and that the interpreter will
20 repeat the statements of the person who is deaf to the court in
21 English to the best of the interpreter's skill and judgment and
22 in accordance with the code of professional conduct for court
23 interpreters for persons who are deaf.

24 § 4436. Confidential communications in presence of interpreter.

25 An interpreter appointed under this subchapter shall not be
26 compelled to testify in any judicial proceeding or
27 administrative proceeding, to any statements made by the person
28 who is deaf and interpreted by the interpreter when the person
29 who is deaf is engaged in a confidential communication as
30 provided by any statute or general rule, including, but not

1 limited to:

2 (1) Section 5916 (relating to confidential
3 communications to attorney).

4 (2) Section 5928 (relating to confidential
5 communications to attorney).

6 (3) Section 5942 (relating to confidential
7 communications to news reporters).

8 (4) Section 5943 (relating to confidential
9 communications to clergymen).

10 (5) Section 5944 (relating to confidential
11 communications to psychiatrists or licensed psychologists).

12 (6) Section 5945 (relating to confidential communications
13 to school personnel).

14 (7) Section 5945.1 (relating to confidential
15 communications with sexual assault counselors).

16 (8) Section 5945.2 (relating to confidential
17 communications to crime stopper or similar anticrime
18 program).

19 § 4437. Cost of providing interpreter.

20 (a) General rule.--Except as provided by general rule and in
21 subsection (b), an interpreter appointed in accordance with this
22 subchapter is entitled to a reasonable fee for the services of
23 the interpreter and shall be reimbursed for actual and
24 reasonable expenses by the county that has jurisdiction over the
25 judicial proceeding.

26 (b) Payment determination of certain costs.--Disposition of
27 all or part of the cost of providing an interpreter appointed in
28 accordance with section 4433(d) (relating to appointment of
29 interpreter) shall be in the discretion of the court that has
30 jurisdiction over the judicial proceeding. In no event shall the

1 cost of providing interpreter services be the responsibility of
2 the person who is deaf. If the principal party in interest is
3 indigent, then the cost of providing interpreter services shall
4 be the responsibility of the county of the court that has
5 jurisdiction over the judicial proceeding. The presiding
6 judicial officer may order reimbursement to the county for its
7 responsibilities under this subchapter.

8 § 4438. Funding.

9 Except as provided in section 4437 (relating to cost of
10 providing interpreter), the General Assembly shall appropriate
11 to the Court Administrator such sums as may be necessary to
12 establish a program to facilitate the use of interpreters and
13 otherwise fulfill the provisions of this subchapter.
14 Implementation of this section is contingent upon the
15 availability of appropriated funds to carry out the purposes of
16 this section.

17 ~~Section 5. Sections 7103 and 8701 of Title 42 are repealed.~~ <—

18 SECTION 5. SECTIONS 7103 AND 8701 OF TITLE 42 ARE AMENDED TO <—

19 READ:

20 [§ 7103. INTERPRETERS FOR THE DEAF.

21 (A) GENERAL RULE.--IN ANY CIVIL PROCEEDING IN WHICH A PARTY
22 IS DEAF, THE COURT MAY APPOINT AN INTERPRETER TO ASSIST THE
23 PARTY THROUGHOUT THE PROCEEDING. DISPOSITION OF COSTS SHALL BE
24 IN DISCRETION OF THE COURT.

25 (B) OATH.--THE INTERPRETER SHALL SWEAR OR AFFIRM THAT HE
26 WILL MAKE A TRUE INTERPRETATION TO THE DEAF PERSON AND THAT HE
27 WILL REPEAT THE STATEMENTS OF THE DEAF PERSON TO THE BEST OF HIS
28 ABILITY.

29 (C) DEFINITIONS.--AS USED IN THIS SECTION THE FOLLOWING
30 WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS

1 SUBSECTION:

2 "DEAF." PERSONS WHO ARE DEAF OR WHOSE HEARING IS SO IMPAIRED
3 THAT THEY ARE UNABLE TO UNDERSTAND OR COMMUNICATE THE SPOKEN
4 ENGLISH LANGUAGE.

5 "INTERPRETER." A PERSON QUALIFIED AND TRAINED TO TRANSLATE
6 FOR OR COMMUNICATE WITH DEAF PERSONS. ANY PERSON CERTIFIED BY
7 THE NATIONAL OR LOCAL REGISTRY OF INTERPRETERS FOR THE DEAF OR
8 SIMILAR REGISTRY SHALL BE CONSIDERED QUALIFIED FOR THE PURPOSES
9 OF THIS SECTION.]

10 [§ 8701. INTERPRETERS FOR THE DEAF.

11 (A) INTERROGATION.--UPON THE ARREST OF ANY DEAF PERSON, AND
12 PRIOR TO INTERROGATION, THE ARRESTING OFFICER SHALL MAKE
13 AVAILABLE TO SUCH PERSON AN INTERPRETER WHO SHALL BE PRESENT
14 WITH SUCH PERSON THROUGHOUT THE INTERROGATION.

15 (B) CRIMINAL PROCEEDINGS.--IN ANY CRIMINAL PROCEEDING IN
16 WHICH A DEFENDANT IS DEAF THE COURT SHALL APPOINT AN INTERPRETER
17 TO ASSIST THE DEFENDANT THROUGHOUT THE PROCEEDING.

18 (C) OATH.--THE INTERPRETER SHALL SWEAR OR AFFIRM THAT HE
19 WILL MAKE A TRUE INTERPRETATION TO THE DEAF PERSON AND THAT HE
20 WILL REPEAT THE STATEMENTS OF THE DEAF PERSON TO THE BEST OF HIS
21 ABILITY.

22 (D) DEFINITIONS.--AS USED IN THIS SECTION THE FOLLOWING
23 WORDS SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SUBSECTION:

24 "DEAF." PERSONS WHO ARE DEAF OR WHOSE HEARING IS SO IMPAIRED
25 THAT THEY ARE UNABLE TO UNDERSTAND OR COMMUNICATE THE SPOKEN
26 ENGLISH LANGUAGE.

27 "INTERPRETER." A PERSON QUALIFIED AND TRAINED TO TRANSLATE
28 FOR OR COMMUNICATE WITH DEAF PERSONS. ANY PERSON CERTIFIED BY
29 THE NATIONAL OR LOCAL REGISTRY OF INTERPRETERS FOR THE DEAF OR
30 SIMILAR REGISTRY SHALL BE CONSIDERED QUALIFIED FOR THE PURPOSES

1 OF THIS SECTION.]

2 Section 6. This act shall take effect in 60 days.