
ASSEMBLY BILL NO. 331—ASSEMBLYWOMAN DURAN

MARCH 17, 2023

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing court interpreters.
(BDR 1-186)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to court interpreters; requiring the Court Administrator to adopt certain regulations to establish a program for the conditional certification or registration of court interpreters and to set forth the circumstances in which a court or juvenile court may use the services of a person who is not a certified or registered court interpreter or conditionally certified or registered court interpreter; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law requires, under certain circumstances, the Court Administrator to
2 adopt regulations to establish a program for the certification or registration of court
3 interpreters. (NRS 1.510, 1.520) **Sections 1 and 2** of this bill requires that such a
4 program also: (1) include the conditional certification or registration of court
5 interpreters; and (2) set forth the circumstances under which a court or juvenile
6 court must proceed if a certified or registered court interpreter or conditionally
7 certified or registered court interpreter is not available, including, without
8 limitation, the circumstances in which a court or juvenile court may use the
9 interpreter services of a person who is not a certified or registered court interpreter
10 or conditionally certified or registered court interpreter. **Sections 2-7** of this bill
11 make conforming changes to existing provisions of the Nevada Revised Statutes to
12 account for court interpreters who are conditionally certified or registered.



THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 1.510 is hereby amended to read as follows:

2 1.510 1. The Court Administrator shall, with the advice of
3 the committee established pursuant to NRS 1.530, adopt regulations
4 which, subject to the availability of funding, establish a program for
5 the certification or registration *and the conditional certification or*
6 *registration* of court interpreters for persons with limited English
7 proficiency who are witnesses, defendants and litigants.

8 2. The regulations established pursuant to subsection 1 must set
9 forth:

10 (a) The specific languages for which court interpreters may
11 obtain certification or registration ~~⌋~~ *or conditional certification or*
12 *registration*, based upon the need for interpreters of those
13 languages.

14 (b) Any examination and the qualifications which are required
15 for:

16 (1) Certification or registration; and

17 (2) Renewal of the certification or registration.

18 (c) *Any examination and the qualifications which are required*
19 *for:*

20 (1) *Conditional certification or registration; and*

21 (2) *Renewal of the conditional certification or registration.*

22 (d) The circumstances under which the Court Administrator will
23 deny, suspend or refuse to renew a certificate or registration ~~⌋~~

24 ~~—(d)⌋ or conditional certification or registration.~~

25 (e) The circumstances under which the Court Administrator will
26 take disciplinary action against a certified or registered court
27 interpreter ~~⌋~~

28 ~~—(e)⌋ or conditionally certified or registered court interpreter.~~

29 (f) The circumstances under which a court or juvenile court
30 must proceed if a certified or registered *court interpreter or*
31 *conditionally certified or registered court interpreter* is not
32 available ~~⌋~~

33 ~~—(f)⌋ , including, without limitation, the circumstances in which~~
34 ~~a court or juvenile court may use the interpreter services of a~~
35 ~~person who is not a certified or registered court interpreter or~~
36 ~~conditionally certified or registered court interpreter.~~

37 (g) Except as otherwise provided in NRS 50.050, the rate and
38 source of the compensation to be paid for services provided by a
39 certified or registered court interpreter ~~⌋~~, *a conditionally certified*
40 *or registered court interpreter and any other person who provides*
41 *interpreter services.*



1 3. An application for a certificate or registration as a court
2 interpreter *or for a conditional certification or registration as a*
3 *court interpreter* pursuant to subsection 1 must include the social
4 security number of the applicant.

5 4. Every applicant for certification or registration as a court
6 interpreter *or conditional certification or registration as a court*
7 *interpreter* pursuant to subsection 1 must submit with his or her
8 application:

9 (a) A complete set of his or her fingerprints; and

10 (b) Written permission authorizing the Court Administrator to
11 forward the fingerprints to the Central Repository for Nevada
12 Records of Criminal History for its initial report on the criminal
13 history of the applicant and for reports thereafter upon renewal of
14 the certification or registration ~~§~~ *or conditional certification or*
15 *registration* and for submission to the Federal Bureau of
16 Investigation for its report on the criminal history of the applicant.

17 5. Except as otherwise provided by a specific regulation of the
18 Court Administrator, it is grounds for disciplinary action for a
19 certified or registered court interpreter *or a conditionally certified*
20 *or registered court interpreter* to act as interpreter in any action in
21 which:

22 (a) The spouse of the court interpreter is a party;

23 (b) A party or witness is otherwise related to the court
24 interpreter;

25 (c) The court interpreter is biased for or against one of the
26 parties; or

27 (d) The court interpreter otherwise has an interest in the
28 outcome of the proceeding.

29 6. As used in this section, “person with limited English
30 proficiency” means a person who speaks a language other than
31 English and who cannot readily understand or communicate in the
32 English language.

33 **Sec. 2.** NRS 1.520 is hereby amended to read as follows:

34 1.520 The Court Administrator may:

35 1. With the advice of the committee established pursuant to
36 NRS 1.530, adopt any regulations necessary to carry out a program
37 for the certification and registration of court interpreters ~~§~~ *and*
38 *conditional certification and registration of court interpreters.*

39 2. Impose on a certified or registered court interpreter ~~§~~ *or a*
40 *conditionally certified or registered court interpreter:*

41 (a) Any fees necessary to reimburse the Court Administrator for
42 the cost of administering the program; and

43 (b) A fine for any violation of a regulation of the Court
44 Administrator adopted pursuant to this section or NRS 1.510.



1 **Sec. 3.** NRS 1.540 is hereby amended to read as follows:

2 1.540 1. It is unlawful for a person to act as a certified or
3 registered court interpreter or advertise or put out any sign or card or
4 other device which might indicate to the public that the person is
5 entitled to practice as a certified or registered court interpreter
6 without a certificate or registration *or conditional certificate or*
7 *registration* as an interpreter issued by the Court Administrator
8 pursuant to NRS 1.510 and 1.520.

9 2. No civil action may be instituted, nor recovery therein be
10 had, for a violation of the provisions of this section or NRS 1.510 or
11 1.520 or a violation of a regulation adopted by the Court
12 Administrator pursuant to NRS 1.510 or 1.520.

13 **Sec. 4.** NRS 1.545 is hereby amended to read as follows:

14 1.545 1. The Court Administrator shall develop and
15 implement a process by which a person with a criminal history may
16 petition the Court Administrator to review the criminal history of
17 the person to determine if the person's criminal history will
18 disqualify the person from obtaining a certificate or registration *or*
19 *conditional certificate or registration* as a court interpreter pursuant
20 to NRS 1.510.

21 2. Not later than 90 days after a petition is submitted to the
22 Court Administrator pursuant to subsection 1, the Court
23 Administrator shall inform the person of the determination of the
24 Court Administrator of whether the person's criminal history will
25 disqualify the person from obtaining a certificate or registration **H**
26 *or conditional certificate or registration*. The Court Administrator
27 is not bound by his or her determination of disqualification or
28 qualification and may rescind such a determination at any time.

29 3. The Court Administrator may provide instructions to a
30 person who receives a determination of disqualification to remedy
31 the determination of disqualification. A person may resubmit a
32 petition pursuant to subsection 1 not earlier than 6 months after
33 receiving instructions pursuant to this subsection if the person
34 remedies the determination of disqualification.

35 4. A person with a criminal history may petition the Court
36 Administrator at any time, including, without limitation, before
37 obtaining any education or paying any fee required to obtain a
38 certificate or registration **H** *or conditional certificate or*
39 *registration*.

40 5. A person may submit a new petition to the Court
41 Administrator not earlier than 2 years after the final determination
42 of the initial petition submitted to the Court Administrator.

43 6. The Court Administrator may impose a fee of up to \$50
44 upon the person to fund the administrative costs in complying with
45 the provisions of this section. The Court Administrator may waive



1 such fees or allow such fees to be covered by funds from a
2 scholarship or grant.

3 7. The Court Administrator may post on its Internet website:

4 (a) The requirements to obtain a certification or registration *or*
5 *conditional certificate or registration* as a court interpreter; and

6 (b) A list of crimes, if any, that would disqualify a person from
7 obtaining a certification or registration *or conditional certificate or*
8 *registration* as a court interpreter from the Court Administrator.

9 8. The Court Administrator may request the criminal history
10 record of a person who petitions the Court Administrator for a
11 determination pursuant to subsection 1. To the extent consistent
12 with federal law, if the Court Administrator makes such a request of
13 a person, the Court Administrator shall require the person to submit
14 his or her criminal history record which includes a report from:

15 (a) The Central Repository for Nevada Records of Criminal
16 History; and

17 (b) The Federal Bureau of Investigation.

18 9. A person who petitions the Court Administrator for a
19 determination pursuant to subsection 1 shall not submit false or
20 misleading information to the Court Administrator.

21 10. The Court Administrator shall, on or before the 20th day of
22 January, April, July and October, submit to the Director of the
23 Legislative Counsel Bureau in an electronic format prescribed by
24 the Director, a report that includes:

25 (a) The number of petitions submitted to the Court
26 Administrator pursuant to subsection 1;

27 (b) The number of determinations of disqualification made by
28 the Court Administrator pursuant to subsection 1;

29 (c) The reasons for such determinations; and

30 (d) Any other information that is requested by the Director or
31 which the Court Administrator determines would be helpful.

32 11. The Director shall transmit a compilation of the
33 information received pursuant to subsection 10 to the Legislative
34 Commission quarterly, unless otherwise directed by the
35 Commission.

36 **Sec. 5.** NRS 50.054 is hereby amended to read as follows:

37 50.054 1. Except as otherwise provided by a regulation of the
38 Court Administrator adopted pursuant to NRS 1.510 and 1.520, a
39 person shall not act as an interpreter in a proceeding if the
40 interpreter is:

41 (a) The spouse of a witness;

42 (b) Otherwise related to a witness;

43 (c) Biased for or against one of the parties; or

44 (d) Otherwise interested in the outcome of the proceeding.



1 2. Before undertaking his or her duties, the interpreter shall
2 swear or affirm that he or she will:

3 (a) To the best of his or her ability, interpret accurately to the
4 person with limited English proficiency in the language of the
5 person, questions and statements addressed to the person;

6 (b) Make a true interpretation of the statements of the person
7 with limited English proficiency in an understandable manner; and

8 (c) Repeat the statements of the person with limited English
9 proficiency to the best of his or her ability.

10 3. While in the proper performance of his or her duties, an
11 interpreter has the same rights and privileges as the person with
12 limited English proficiency including the right to examine all
13 relevant material, but is not entitled to waive or exercise any of
14 those rights or privileges on behalf of the person with limited
15 English proficiency.

16 4. If an interpreter appointed for a person with limited English
17 proficiency is not effectively or accurately communicating with or
18 on behalf of the person, and that fact becomes known to the person
19 who appointed the interpreter, another interpreter must be
20 appointed.

21 5. Claims against a county, municipality, this State or any
22 agency thereof for the compensation of an interpreter in a criminal
23 proceeding or other proceeding for which an interpreter must be
24 provided at public expense must be paid in the same manner as
25 other claims against the respective entities are paid. Payment may be
26 made only upon the certificate of the judge, magistrate or other
27 person presiding over the proceedings that the interpreter has
28 performed the services required and incurred the expense claimed.

29 6. As used in this section:

30 (a) "Interpreter" means a person who ~~has~~:

31 *(1) Has a certificate or registration or a conditional*
32 *certificate or registration* as an interpreter issued by the Court
33 Administrator pursuant to NRS 1.510 and 1.520 ~~§~~; *or*

34 *(2) Does not have a certificate or registration or conditional*
35 *certificate or registration described in subparagraph (1) but is*
36 *appointed to be an interpreter in accordance with the regulations*
37 *adopted pursuant to NRS 1.510.*

38 (b) "Person with limited English proficiency" has the meaning
39 ascribed to it in NRS 1.510.

40 **Sec. 6.** NRS 50.0545 is hereby amended to read as follows:

41 50.0545 1. An interpreter must be appointed at public
42 expense for a person with limited English proficiency who is a
43 defendant or a witness in a criminal proceeding.

44 2. If a certified or registered court interpreter *or a conditionally*
45 *certified or registered court interpreter* is not available, a court



1 shall appoint an interpreter in accordance with the regulations
2 adopted pursuant to paragraph ~~(e)~~ (f) of subsection 2 of
3 NRS 1.510.

4 3. As used in this section:

5 (a) "Interpreter" means a person who ~~has~~ :

6 (1) *Has* a certificate or registration *or conditional certificate*
7 *or registration* as an interpreter issued by the Court Administrator
8 pursuant to NRS 1.510 and 1.520 ~~;~~ ; *or*

9 (2) *Does not have a certificate or registration or conditional*
10 *certificate or registration described in subparagraph (1) but is*
11 *appointed to be an interpreter in accordance with the regulations*
12 *adopted pursuant to NRS 1.510.*

13 (b) "Person with limited English proficiency" has the meaning
14 ascribed to it in NRS 1.510.

15 **Sec. 7.** NRS 62D.405 is hereby amended to read as follows:

16 62D.405 1. The juvenile court shall appoint at public expense
17 an interpreter for a person with limited English proficiency in all
18 proceedings conducted pursuant to the provisions of this title if the
19 person with limited English proficiency is:

20 (a) The child who is alleged to be or has been adjudicated
21 delinquent or in need of supervision;

22 (b) A parent or guardian of the child that is alleged to be or has
23 been adjudicated delinquent or in need of supervision; or

24 (c) A person who appears as a witness.

25 2. If a certified or registered court interpreter *or conditionally*
26 *certified or registered court interpreter* is not available, the juvenile
27 court shall appoint an interpreter in accordance with the regulations
28 adopted pursuant to paragraph (e) of subsection 2 of NRS 1.510.

29 3. As used in this section:

30 (a) "Interpreter" means a person who ~~has~~ :

31 (1) *Has* a certificate or registration *or conditional certificate*
32 *or registration* as an interpreter issued by the Court Administrator
33 pursuant to NRS 1.510 and 1.520 ~~;~~ ; *or*

34 (2) *Does not have a certificate or registration or conditional*
35 *certificate or registration described in subparagraph (1) but is*
36 *appointed to be an interpreter in accordance with the regulations*
37 *adopted pursuant to NRS 1.510.*

38 (b) "Person with limited English proficiency" has the meaning
39 ascribed to it in NRS 1.510.

40 **Sec. 8.** 1. This section becomes effective upon passage and
41 approval.

42 2. Sections 1 to 7, inclusive, of this act become effective:

43 (a) Upon passage and approval for the purpose of adopting
44 regulations and performing any other preparatory administrative
45 tasks that are necessary to carry out the provisions of this act; and



1 (b) On January 1, 2024, for all other purposes.

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