

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 55th Legislature (2015)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1100

 By: Kannady

7
8
9 COMMITTEE SUBSTITUTE

10 An Act relating to courts; amending 20 O.S. 2011,
11 Sections 1701, 1702, 1703, 1705, 1706, 1707 and 1708,
12 which relate to courtroom interpreters and
13 translators; allowing exception for State Board of
14 Examiners of Certified Courtroom Interpreters member
15 qualifications; striking limitation on serving two
16 terms in succession; setting time limitation for
17 Board member certification; authorizing Chief Justice
18 to determine qualified members for initial Board;
19 requiring approval of Supreme Court in establishing
20 certifications; adding training programs; allowing
21 programs to be contracted; including proficiency
22 standards set by Board rules; modifying grounds for
23 conduct proceedings; directing Administrative Office
24 of the Courts to assist the Board; authorizing
 Supreme Court to promulgate rules for exams;
 specifying permissible standards to follow;
 permitting Board to use promulgated rules for exams;
 mandating exam to include interpreter ethics;
 allowing Board to conduct a criminal record check;
 clarifying type of check to be used; requiring
 applicant to furnish listed information to Board;
 empowering Board to charge fee approved by Supreme
 Court for the check; providing for Supreme Court
 approval of fees; removing residency requirement;
 authorizing Supreme Court to promulgate rules for
 courts when using database; permitting enrollment
 upon payment of fees; removing requirement to set and
 publish fee schedule annually; allowing Chief Justice

1 to withdraw costs for program administration;
2 empowering Supreme Court to promulgate rules for
3 certification levels; authorizing use of certain
4 abbreviation; specifying what duties interpreters can
5 perform in court; and providing an effective date.

6 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

7 SECTION 1. AMENDATORY 20 O.S. 2011, Section 1701, is
8 amended to read as follows:

9 Section 1701. A. There is hereby created the State Board of
10 Examiners of Certified Courtroom Interpreters which shall consist of
11 five (5) members, ~~four of whom~~ who shall meet the qualifications set
12 forth in this section, unless otherwise authorized by the Supreme
13 Court. Four of the board members shall be certified courtroom
14 interpreters ~~and,~~ at least one of whom shall be a qualified
15 interpreter as defined in Section 2408 of Title 63 of the Oklahoma
16 Statutes, at least one of whom shall be certified in Spanish, and at
17 least one of whom shall be certified in Vietnamese. The Board shall
18 also consist of one member who shall be a licensed attorney or judge
19 and who shall not be required to be a certified courtroom
20 interpreter ~~or translator~~. The members shall be persons who have
21 been, for at least two (2) years prior to their appointment to the
22 Board, residents of this state and, except for the attorney or judge
23 member, certified courtroom interpreters. All members shall be
24 appointed by the Chief Justice of the Supreme Court and shall serve

1 in staggered terms, each for a period of five (5) years except for
2 the initial appointees who shall serve terms pursuant to subsection
3 B of this section. ~~No member may serve more than two terms in~~
4 ~~succession.~~ The Board shall elect from its membership a chair and a
5 secretary. Three members shall constitute a quorum. The Board may
6 adopt a seal for its official use. All actions of the Board shall
7 be supervised by the Supreme Court and be ~~subjected~~ subject to
8 approval by the Court. All members shall be required to maintain
9 their certification during their time on the Board.

10 B. The initial members of the Board shall serve as follows:

11 1. The members constituting the initial Board under Sections
12 1701 through 1710 of this act title shall be certified as a
13 courtroom ~~interpreter or translator~~ interpreters in another state or
14 under the federal system, until obtaining, ~~during their first year~~
15 ~~of service,~~ certification in this state within one (1) year from the
16 date on which an Oklahoma certification first becomes available. In
17 the alternative, the initial Board may be comprised of other
18 qualified individuals as determined by the Chief Justice of the
19 Oklahoma Supreme Court; and

20 2. The initial appointees shall serve for staggered terms: one
21 member shall serve for one (1) year, one member shall serve for two
22 (2) years, one member shall serve for three (3) years, one member
23 shall serve for four (4) years, and one member shall serve for five
24 (5) years. Thereafter, all terms shall be for five (5) years.

1 SECTION 2. AMENDATORY 20 O.S. 2011, Section 1702, is
2 amended to read as follows:

3 Section 1702. A. The State Board of Examiners of Certified
4 Courtroom Interpreters shall:

5 1. Determine and establish levels of interpreter ~~or translator~~
6 certifications and specialization certificates to meet the needs of
7 a variety of court proceedings, as the Board deems necessary and
8 appropriate and with the approval of the Supreme Court;

9 2. Conduct preliminary investigations to determine the
10 qualifications of applicants seeking to attain the status of
11 certified courtroom interpreter ~~or translator~~;

12 3. Conduct at least once a year, at a place and time to be
13 published by reasonable notice as directed by the Supreme Court, ~~an~~
14 ~~examination~~ the examinations and training programs required of those
15 persons who seek to attain ~~the status of certified~~ an Oklahoma
16 courtroom interpreter ~~or translator~~ credential, or contract for such
17 ~~examination~~ examinations and training programs. The Board shall
18 also include an examination of interpreter ~~or translator~~ ethics as a
19 condition of attaining the status of certified courtroom interpreter
20 ~~or translator~~;

21 4. Recommend to the Supreme Court for official enrollment as
22 certified courtroom ~~interpreter or translator~~ interpreters those
23 persons who, on their examination, have established the requisite
24

1 proficiency as set forth in the Board's rules and Section 3 1703 of
2 this ~~act~~ title;

3 5. Conduct proceedings, on reasonable notice, the object of
4 which are to recommend to the Supreme Court the suspension,
5 cancellation, revocation, or reinstatement of the enrollment of a
6 certified courtroom interpreter ~~or translator or of the status of~~
7 ~~any acting courtroom interpreter or translator, regular or~~
8 ~~provisional~~, on the following grounds:

- 9 a. a final conviction of a criminal offense involving
10 moral turpitude,
- 11 b. misrepresentation in obtaining licensure certification
12 or credential,
- 13 c. any violation of or noncompliance with any rule or
14 directive of the Supreme Court, including but not
15 limited to the Code of Professional Responsibility for
16 Interpreters in the Oklahoma Courts,
- 17 d. fraud, gross incompetence, or gross or habitual
18 neglect of duty,
- 19 e. misrepresentation of certification level or status
20 while engaging in the practice of courtroom
21 interpreting or translating using a method for which
22 the interpreter or translator is not certified in an
23 Oklahoma court,

24

- 1 f. engaging in the practice of courtroom interpreting or
2 translating in an Oklahoma court while certification
3 is suspended,
4 g. nonpayment of renewal dues, or
5 h. failure to annually complete at least eight (8) hours
6 of continuing education approved by the State Board of
7 Examiners of Courtroom Interpreters;

8 6. Adopt, with the approval of the Supreme Court, examination
9 standards and rules governing enrollment, discipline, suspension,
10 cancellation, and revocation proceedings and any other matter within
11 the Board's cognizance; and

12 7. Keep a current roll of certified courtroom interpreters and
13 a file on all disciplined certified courtroom interpreters, ~~official~~
14 ~~or unofficial, regular or provisional.~~

15 B. In all hearings or investigations on revocation,
16 cancellation, or suspension of enrollment, each Board member shall
17 be empowered to administer oaths or affirmations, subpoena
18 witnesses, and take evidence anywhere in the state, after giving
19 reasonable notice to the party whose status is sought to be
20 affected.

21 C. The Administrative Office of the Courts shall provide
22 administrative support and assistance to the Board.

23 SECTION 3. AMENDATORY 20 O.S. 2011, Section 1703, is
24 amended to read as follows:

1 Section 1703. A. Every applicant who seeks to be examined for
2 enrollment as a certified courtroom interpreter ~~or translator~~ shall
3 prove to the satisfaction of the State Board of Examiners of
4 Courtroom Interpreters that he or she:

5 1. Is of legal age;

6 2. Meets the requisite standards of ethical fitness as
7 established by the Board pursuant to the recommendation of the State
8 Ethics Commission; and

9 3. Has at least a high school education or its equivalent.

10 B. The examination for certification for the level for which
11 applied in one or more authorized methods or languages of courtroom
12 interpreting or translating shall consist of three parts, designated
13 as Part 1, Part 2, and Part 3 as follows:

14 1. Part 1 consists of proof of having passed the Oklahoma
15 Courtroom Interpreter Examination for the level for which the
16 individual has applied or an equivalent test as authorized by the
17 Supreme Court consisting of the following requirements:
18 demonstrated proficiency in interpreting or translating from the
19 source language to the target language at a level of at least eighty
20 percent (80%) proficiency, and demonstrated proficiency in
21 interpreting or translating from the target language to the source
22 language at a level of at least eighty percent (80%) proficiency.
23 This test shall include legal terminology and shall involve
24 scenarios related to courtroom interpreting or translating such as

1 opening statements, closing arguments, witness examinations, and
2 evidence translation;

3 2. Part 2 consists of a written exam of not less than twenty-
4 five multiple choice questions relating to the ethical
5 responsibilities of courtroom interpreters; and

6 3. Part 3 is the Oklahoma Written Knowledge Test for Courtroom
7 Interpreters which consists of not less than twenty-five multiple
8 choice questions relating to Oklahoma law and court rules, duties of
9 courtroom interpreters, and general court procedure. The
10 examination shall be approved by the Supreme Court. A person who
11 has tested with the Board and successfully completed the written
12 knowledge portion of the examination shall be allowed to retain the
13 credit for that portion for one (1) year from the date passed, and
14 shall not be required to retake that portion during the one-year
15 period.

16 C. An applicant who is academically dishonest when taking any
17 authorized examination is disqualified and may not take the
18 examination again until five (5) years have elapsed from the date of
19 the examination at which the applicant is disqualified.

20 D. A certification issued under this section must be for one or
21 more of the following methods of courtroom interpreting or
22 translating:

23 1. Translation of written text;

24 2. Interpretation of spoken words; or

1 3. Any other method of interpreting or translating authorized
2 by the Supreme Court.

3 E. Effective January 1, 2006, no person may engage in courtroom
4 interpreting or translating unless the person is a certified
5 courtroom interpreter ~~or translator~~; provided, however, nothing
6 shall preclude the Board from issuing provisional ~~certificates~~
7 credentials pursuant to its rules.

8 F. The Supreme Court may promulgate rules authorizing the use
9 of oral and written interpreter examinations and establishing
10 interpreter credentialing standards which are consistent with
11 generally recognized state court interpreter certification
12 standards, including but not limited to the standards developed or
13 recognized by the National Center for State Courts (NCSC). Once
14 promulgated by Supreme Court rule, the examination and credentialing
15 requirements may be used by the Board in lieu of the examinations
16 prescribed in subsection B of this section. The written examination
17 shall include an examination of interpreter ethics as a condition of
18 attaining the status of certified courtroom interpreter in the
19 state.

20 G. In determining whether an applicant meets the requisite
21 standards of ethical fitness as set forth in subsection A of this
22 section, the Board is authorized to conduct a criminal history
23 record check, including but not limited to a criminal history record
24 check through the Oklahoma State Bureau of Investigation or a

1 national criminal history record check through the Federal Bureau of
2 Investigation pursuant to Section 150.9 of Title 74 of the Oklahoma
3 Statutes. Applicants shall furnish all releases, authorizations,
4 fingerprints, or other items necessary to enable the Board to
5 conduct the criminal history record check. The Board shall charge
6 the applicant a fee in an amount approved by the Supreme Court for
7 the criminal history record check.

8 SECTION 4. AMENDATORY 20 O.S. 2011, Section 1705, is
9 amended to read as follows:

10 Section 1705. A person holding a ~~license from another state~~ or
11 federal certification which is deemed by the State Board of
12 Examiners of Certified Courtroom Interpreters to be equivalent to
13 that of an Oklahoma certified courtroom interpreter ~~or translator~~
14 may apply to be enrolled without examination as an Oklahoma
15 certified courtroom interpreter ~~or translator~~ upon payment of fees
16 established by the Board, with the approval of the Supreme Court and
17 satisfying the Board that such person's credentials are in proper
18 order ~~and that he or she is a resident of Oklahoma~~. The court may
19 utilize a person certified in another state to ~~serve as an~~
20 ~~interpreter or translator for~~ perform interpreting or translating in
21 a particular case provided such person has registered in accordance
22 with the rules of the Board, or as otherwise authorized by the
23 Supreme Court. In addition, the Supreme Court may promulgate rules
24 authorizing the courts to utilize interpreters listed on a

1 nationally recognized database of certified courtroom interpreters,
2 including but not limited to a registry of certified courtroom
3 interpreters maintained by the National Center for State Courts,
4 provided those interpreters hold certifications which are deemed by
5 the Board to be equivalent to that of an Oklahoma certification.

6 SECTION 5. AMENDATORY 20 O.S. 2011, Section 1706, is
7 amended to read as follows:

8 Section 1706. A person holding a ~~license~~ certification from a
9 national entity which is deemed by the State Board of Examiners of
10 Certified Courtroom Interpreters to be equivalent to that of an
11 Oklahoma certified courtroom interpreter ~~or translator~~ may apply to
12 be enrolled without examination as an Oklahoma certified courtroom
13 interpreter ~~or translator~~ upon payment of fees established by the
14 Board with the approval of the Supreme Court and satisfying the
15 Board that such person's credentials are in proper order ~~and that he~~
16 ~~or she is a resident of Oklahoma.~~

17 SECTION 6. AMENDATORY 20 O.S. 2011, Section 1707, is
18 amended to read as follows:

19 Section 1707. A. The State Board of Examiners of Certified
20 Courtroom Interpreters shall ~~annually~~ periodically set and publish a
21 fee schedule with approval of the Supreme Court.

22 B. All fees authorized to be charged shall be paid to the Clerk
23 of the Supreme Court who shall deposit such fees in the State
24 Judicial Fund. The Chief Justice shall be authorized to draw

1 against the Supreme Court Revolving Fund such amounts as are
2 lawfully claimed by the Board for its necessary supplies and
3 expenses, and costs which are lawfully incurred by the Supreme Court
4 for the administration of the interpreter credentialing and
5 examination program. When performing essential duties, each Board
6 member shall be entitled to such member's expenses pursuant to the
7 State Travel Reimbursement Act and shall receive, in addition
8 thereto, the sum of One Hundred Dollars (\$100.00) for each full day
9 of service or a fraction thereof for less than a day's service or
10 any other amount that is established by the Legislature.

11 SECTION 7. AMENDATORY 20 O.S. 2011, Section 1708, is
12 amended to read as follows:

13 Section 1708. The Supreme Court may promulgate rules
14 authorizing the recognition of different levels of courtroom
15 interpreter certifications in the Oklahoma courts, including the
16 following: Certified Courtroom Interpreters and Registered Courtroom
17 Interpreters. Every person enrolled as a certified courtroom
18 interpreter ~~or translator~~ shall be entitled to use the abbreviation
19 C.C.I. after his or her name. Every person enrolled as a registered
20 courtroom interpreter shall be entitled to use the abbreviation
21 R.C.I. after his or her name. Courtroom interpreters holding a
22 provisional ~~certification~~ status do not hold an official
23 certification and shall not be allowed the use of the abbreviation.
24 Certified and registered courtroom interpreters shall be authorized

1 to interpret ~~or~~ spoken words and translate written text in all
2 proceedings related to the case to which he or she has been
3 assigned.

4 SECTION 8. This act shall become effective November 1, 2015.

5
6 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY AND CIVIL PROCEDURE,
7 dated 02/17/2015 - DO PASS, As Amended.
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24