

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 HOUSE BILL 2159

By: Echols

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5  
6 AS INTRODUCED

7 An Act relating to courts; amending 20 O.S. 2011,  
8 Sections 1701, 1702, 1703, 1705, 1706, 1707 and 1708,  
9 which relate to courtroom interpreters and  
10 translators; allowing exception for board member  
11 qualifications; striking limitation on serving two  
12 terms in succession; setting time limitation for  
13 board member certification; authorizing Chief Justice  
14 to determine qualified members for initial board;  
15 requiring approval of Supreme Court in establishing  
16 certifications; adding training programs; allowing  
17 programs to be contracted; including proficiency  
18 standards set by Board rules; modifying grounds for  
19 conduct proceedings; directing Administrative Office  
20 of the Courts to assist the Board; authorizing  
21 Supreme Court to promulgate rules for exams;  
22 specifying permissible standards to follow;  
23 permitting Board to use promulgated rules for exams;  
24 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  
to withdraw costs for program administration;  
empowering Supreme Court to promulgate rules for  
certification levels; authorizing use of certain  
abbreviation; specifying what duties interpreters can  
perform in court; and providing an effective date.

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

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

4 Section 1701. A. There is hereby created the State Board of  
5 Examiners of Certified Courtroom Interpreters which shall consist of  
6 five (5) members, ~~four of whom~~ who shall meet the qualifications set  
7 forth in this section, unless otherwise authorized by the Supreme  
8 Court. Four of the board members shall be certified courtroom  
9 interpreters ~~and,~~ at least one of whom shall be a qualified  
10 interpreter as defined in Section 2408 of Title 63 of the Oklahoma  
11 Statutes, at least one of whom shall be certified in Spanish, and at  
12 least one of whom shall be certified in Vietnamese. The Board shall  
13 also consist of one member who shall be a licensed attorney or judge  
14 and who shall not be required to be a certified courtroom  
15 interpreter ~~or translator~~. The members shall be persons who have  
16 been, for at least two (2) years prior to their appointment to the  
17 Board, residents of this state and, except for the attorney or judge  
18 member, certified courtroom interpreters. All members shall be  
19 appointed by the Chief Justice of the Supreme Court and shall serve  
20 in staggered terms, each for a period of five (5) years except for  
21 the initial appointees who shall serve terms pursuant to subsection  
22 B of this section. ~~No member may serve more than two terms in~~  
23 ~~succession~~. The Board shall elect from its membership a chair and a  
24 secretary. Three members shall constitute a quorum. The Board may

1 adopt a seal for its official use. All actions of the Board shall  
2 be supervised by the Supreme Court and be ~~subjected~~ subject to  
3 approval by the Court. All members shall be required to maintain  
4 their certification during their time on the Board.

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

6 1. The members constituting the initial Board under this act  
7 shall be certified as a courtroom interpreter ~~or translator~~ in  
8 another state or under the federal system, until obtaining, ~~during~~  
9 ~~their first year of service,~~ certification in this state within one  
10 (1) year from the date on which an Oklahoma certification first  
11 becomes available. In the alternative, the initial Board may be  
12 comprised of other qualified individuals as determined by the Chief  
13 Justice of the Oklahoma Supreme Court; and

14 2. The initial appointees shall serve for staggered terms: one  
15 member shall serve for one (1) year, one member shall serve for two  
16 (2) years, one member shall serve for three (3) years, one member  
17 shall serve for four (4) years, and one member shall serve for five  
18 (5) years. Thereafter, all terms shall be for five (5) years.

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

21 Section 1702. A. The State Board of Examiners of Certified  
22 Courtroom Interpreters shall:

23 1. Determine and establish levels of interpreter ~~or translator~~  
24 certifications and specialization certificates to meet the needs of

1 a variety of court proceedings, as the Board deems necessary and  
2 appropriate and with the approval of the Supreme Court;

3 2. Conduct preliminary investigations to determine the  
4 qualifications of applicants seeking to attain the status of  
5 certified courtroom interpreter ~~or translator;~~

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

15 4. Recommend to the Supreme Court for official enrollment as  
16 certified courtroom ~~interpreter or translator~~ interpreters those  
17 persons who, on their examination, have established the requisite  
18 proficiency as set forth in the Board's rules and Section 3 1703 of  
19 ~~this act~~ title;

20 5. Conduct proceedings, on reasonable notice, the object of  
21 which are to recommend to the Supreme Court the suspension,  
22 cancellation, revocation, or reinstatement of the enrollment of a  
23 certified courtroom interpreter ~~or translator or of the status of~~  
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1 ~~any acting courtroom interpreter or translator, regular or~~  
2 ~~provisional,~~ on the following grounds:

- 3 a. a final conviction of a criminal offense involving  
4 moral turpitude,
- 5 b. misrepresentation in obtaining license certification  
6 or credential,
- 7 c. any violation of or noncompliance with any rule or  
8 directive of the Supreme Court, including but not  
9 limited to the Code of Professional Responsibility for  
10 Interpreters in the Oklahoma Courts,
- 11 d. fraud, gross incompetence, or gross or habitual  
12 neglect of duty,
- 13 e. misrepresentation of certification level or status  
14 while engaging in the practice of courtroom  
15 interpreting or translating ~~using a method for which~~  
16 ~~the interpreter or translator is not certified in an~~ in an  
17 Oklahoma court,
- 18 f. engaging in the practice of courtroom interpreting or  
19 translating in an Oklahoma court while certification  
20 is suspended,
- 21 g. nonpayment of renewal dues, or
- 22 h. failure to annually complete at least eight (8) hours  
23 of continuing education approved by the State Board of  
24 Examiners of Courtroom Interpreters;

1       6. Adopt, with the approval of the Supreme Court, examination  
2 standards and rules governing enrollment, discipline, suspension,  
3 cancellation, and revocation proceedings and any other matter within  
4 the Board's cognizance; and

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

8       B. In all hearings or investigations on revocation,  
9 cancellation, or suspension of enrollment, each Board member shall  
10 be empowered to administer oaths or affirmations, subpoena  
11 witnesses, and take evidence anywhere in the state, after giving  
12 reasonable notice to the party whose status is sought to be  
13 affected.

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

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

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

22       1. Is of legal age;

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

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

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

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

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

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

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

15           D. A certification issued under this section must be for one or  
16 more of the following methods of courtroom interpreting or  
17 translating:

- 18           1. Translation of written text;
- 19           2. Interpretation of spoken words; or
- 20           3. Any other method of interpreting or translating authorized  
21 by the Supreme Court.

22           E. Effective January 1, 2006, no person may engage in courtroom  
23 interpreting or translating unless the person is a certified  
24 courtroom interpreter ~~or translator~~; provided, however, nothing



1 shall preclude the Board from issuing provisional ~~certificates~~  
2 credentials pursuant to its rules.

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

15 G. In determining whether an applicant meets the requisite  
16 standards of ethical fitness as set forth in subsection A of this  
17 section, the Board is authorized to conduct a criminal history  
18 record check, including but not limited to a criminal history record  
19 check through the Oklahoma State Bureau of Investigation or a  
20 national criminal history record check through the Federal Bureau of  
21 Investigation pursuant to Section 150.9 of Title 74 of the Oklahoma  
22 Statutes. Applicants shall furnish all releases, authorizations,  
23 fingerprints, or other items necessary to enable the Board to  
24 conduct the criminal history record check. The Board shall charge

1 the applicant a fee in an amount approved by the Supreme Court for  
2 the criminal history record check.

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

5 Section 1705. A person holding a ~~license from another state or~~  
6 federal certification which is deemed by the State Board of  
7 Examiners of Certified Courtroom Interpreters to be equivalent to  
8 that of an Oklahoma certified courtroom interpreter ~~or translator~~  
9 may apply to be enrolled without examination as an Oklahoma  
10 certified courtroom interpreter ~~or translator~~ upon payment of fees  
11 established by the Board, with the approval of the Supreme Court and  
12 satisfying the Board that such person's credentials are in proper  
13 order ~~and that he or she is a resident of Oklahoma.~~ The court may  
14 utilize a person certified in another state to ~~serve as an~~  
15 ~~interpreter or translator for~~ perform interpreting or translating in  
16 a particular case provided such person has registered in accordance  
17 with the rules of the Board, or as otherwise authorized by the  
18 Supreme Court. In addition, the Supreme Court may promulgate rules  
19 authorizing the courts to utilize interpreters listed on a  
20 nationally recognized database of certified courtroom interpreters,  
21 including but not limited to a registry of certified courtroom  
22 interpreters maintained by the National Center for State Courts,  
23 provided those interpreters hold certifications which are deemed by  
24 the Board to be equivalent to that of an Oklahoma certification.

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

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

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

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

17 B. All fees authorized to be charged shall be paid to the Clerk  
18 of the Supreme Court who shall deposit such fees in the State  
19 Judicial Fund. The Chief Justice shall be authorized to draw  
20 against the Supreme Court Revolving Fund such amounts as are  
21 lawfully claimed by the Board for its necessary supplies and  
22 expenses, and costs which are lawfully incurred by the Supreme Court  
23 for the administration of the interpreter credentialing and  
24 examination program. When performing essential duties, each Board

1 member shall be entitled to such member's expenses pursuant to the  
2 State Travel Reimbursement Act and shall receive, in addition  
3 thereto, the sum of One Hundred Dollars (\$100.00) for each full day  
4 of service or a fraction thereof for less than a day's service or  
5 any other amount that is established by the Legislature.

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

8 Section 1708. The Supreme Court may promulgate rules  
9 authorizing the recognition of different levels of courtroom  
10 interpreter certifications in the Oklahoma courts, including the  
11 following: Certified Courtroom Interpreters and Registered Courtroom  
12 Interpreters. Every person enrolled as a certified courtroom  
13 interpreter ~~or translator~~ shall be entitled to use the abbreviation  
14 C.C.I. after his or her name. Every person enrolled as a registered  
15 courtroom interpreter shall be entitled to use the abbreviation  
16 R.C.I. after his or her name. Courtroom interpreters holding a  
17 provisional certification status do not hold an official  
18 certification and shall not be allowed the use of the abbreviation.  
19 Certified and registered courtroom interpreters shall be authorized  
20 to interpret ~~or~~ spoken words and translate written text in all  
21 proceedings related to the case to which he or she has been  
22 assigned.

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

55-1-5933           EK           12/30/14