

2014 -- S 2549

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2014

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A N A C T

RELATING TO COURTS AND CIVIL PROCEDURE - LANGUAGE INTERPRETERS - USE  
OF LANGUAGE INTERPRETERS IN LEGAL PROCEEDINGS

Introduced By: Senators McCaffrey, Lombardi, Archambault, and Ciccone

Date Introduced: February 27, 2014

Referred To: Senate Judiciary

(by request)

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 8-19-1, 8-19-2, 8-19-3, 8-19-4 and 8-19-5 of the General Laws in  
2 Chapter 8-19 entitled "Language Interpreters - Use of Language Interpreters in Legal  
3 Proceedings" are hereby amended to read as follows:

4 **8-19-1. Legislative declaration -- Intent.** -- (a) It is hereby declared to be the policy of  
5 the state of Rhode Island to guarantee the rights of persons who, because of a non-English  
6 speaking background, are unable to readily understand or communicate in the English language,  
7 and who consequently need the assistance of an interpreter be fully protected in legal proceedings  
8 in ~~criminal~~ matters before the Rhode Island ~~superior court, the Rhode Island district court, and in~~  
9 ~~juvenile matters in the Rhode Island family court~~ unified state court system. Court interpretation  
10 requires not only a full command of two (2) languages, but also a knowledge of courtroom  
11 procedure, legal vocabulary, the overall court and legal systems, and an understanding that the  
12 role of an interpreter consists not of abridging or editorializing, but of exactly interpreting every  
13 word that is spoken without emendation or amendment.

14 (b) It is the intent of the legislature, by the enactment of this chapter, to provide  
15 interpreters to ~~non-English-speaking~~ limited English proficient persons in ~~criminal~~ proceedings  
16 before the state courts in Rhode Island and to establish a procedure for the certification and  
17 appointment of interpreters.

18 **8-19-2. Definitions.** -- As used in this chapter:

1 (1) A ~~"non-English speaking person"~~ "limited English proficient person" means any  
2 person ~~who can not readily speak or understand the English language and whose native language~~  
3 ~~is either Spanish, Portuguese, Cape Verdean or Cambodian. Hearing impaired persons covered~~  
4 ~~under section 8-5-8 are not included in this definition~~ whose primary language is not English and  
5 who does not have the ability to adequately understand or communicate effectively in English.

6 (2) A "qualified interpreter" is a person who ~~through experience and training is able to~~  
7 ~~translate a particular foreign language into English~~ is able to interpret simultaneously and  
8 consecutively and sight translate from English into a foreign language and from said language  
9 into English but who ~~does not have a state certification~~ is not certified pursuant to this chapter.

10 (3) A "~~state~~ certified interpreter" is one who is able to interpret simultaneously and  
11 consecutively and sight translate from English to the language of the person needing an  
12 interpreter, and from said language to English, and who has been certified pursuant to the  
13 provision of section 8-19-5.

14 (4) "Legal proceedings" means any ~~criminal~~ proceeding in the Rhode Island ~~superior~~  
15 ~~court, Rhode Island district court, or in juvenile matters before the Rhode Island family court~~  
16 state court system.

17 (5) "Appointing authority" means the judicial officer presiding at ~~any of the a~~ legal  
18 ~~proceedings defined in this section and pursuant to the rules and regulations set forth by the~~  
19 ~~administrative office of state courts~~ proceeding.

20 **8-19-3. Appointment of state certified or qualified interpreters.** -- (a) When a ~~non-~~  
21 ~~English speaking~~ limited English proficient person is a party, or the parent or legal guardian of a  
22 party to a ~~defined~~ legal proceeding, or an alleged victim in a criminal proceeding, the appointing  
23 authority shall, ~~in the absence of written waiver by such person,~~ appoint a ~~state~~ certified  
24 interpreter to assist such person during the legal proceeding. ~~Pursuant to section 8-19-5, the state~~  
25 ~~department of higher education and the~~ The state court administrator's office shall maintain a list  
26 of Rhode Island ~~state~~ certified and qualified interpreters from which the appointing authority shall  
27 make its appointments.

28 (b) The appointing authority may appoint a qualified interpreter in place of a ~~state~~  
29 certified interpreter when:

30 (1) A good faith effort has been made to locate and obtain the services of a ~~state~~ certified  
31 interpreter and one is not available; and

32 (2) The appointing authority makes a finding that the proposed qualified interpreter  
33 appears to have adequate language skills, knowledge of interpreting techniques, familiarity with  
34 interpreting in a court or hearing, and that he/she has read, understands, and will abide by an

1 established code of ethics for language interpreters pursuant to this chapter; and

2 (3) The proceeding is one of a preliminary nature and of a short duration. Proceedings of  
3 a preliminary nature may include but not be limited to:

4 (i) Arraignments;

5 (ii) Costs, restitution, and/or fine reviews;

6 (iii) Probation reviews;

7 (iv) Preliminary hearings on pretrial motions;

8 (v) Appearances before the court on bench warrants or arrest warrants.

9 (c) If any relationship between the interpreter and any of the parties, attorneys,  
10 witnesses, victims or any other persons involved in the proceeding exists, the nature of that  
11 relationship shall be disclosed to the appointing authority on the record and the appointing  
12 authority may in its discretion excuse the interpreter from said proceeding.

13 **8-19-4. Compensation of interpreters. --** Interpreters appointed pursuant to this chapter  
14 shall be paid by the state in accordance with a fee schedule which shall be established by the  
15 supreme court. The state court administrator is hereby empowered to establish policies and  
16 procedures governing the appointment, service and payment of interpreters appointed under this  
17 chapter and is further empowered to enter into service contracts with ~~state~~ certified [and qualified](#)  
18 interpreters. ~~Qualified interpreters shall be paid in the same manner as certified interpreters for~~  
19 ~~each proceeding in which their interpreting services are used.~~

20 **8-19-5. Certification of interpreters -- Establishment and procedure. --** The ~~state~~  
21 ~~department of higher education in cooperation with the~~ [administrative office of state courts with](#)  
22 [the approval of the](#) supreme court shall promulgate ~~regulations which establish~~ standards, criteria  
23 and testing methods for the certification of foreign language interpreters under this chapter. The  
24 regulations promulgated shall address but not be limited to:

25 (1) Developing testing procedures for proficiency in the foreign language for which the  
26 interpreter is seeking certification.

27 (2) Developing testing procedures for proficiency in the English language.

28 (3) Developing testing procedures for knowledge of legal proceedings and legal  
29 terminologies.

30 (4) Developing standards for the approval of courses and/or curricula at colleges and  
31 universities and other institutes of higher learning who wish to offer courses in foreign language  
32 interpreting.

33 (5) Establishing minimum competency requirements for state certification as a foreign  
34 language interpreter.

1 (6) Establishing re-certification procedures and continuing educational requirements for  
2 ~~state~~ certified and qualified interpreters.

3 (7) Establishing procedures for the termination, cancellation or suspension of certificates  
4 issued to foreign language interpreters under this chapter.

5 (8) Establishing a code of ethics for foreign language interpreters.

6 (9) Establishing procedures for the ~~granting of waivers for~~ recognition of foreign  
7 language interpreters who have been certified in other states or by the federal court.

8 (10) Establishing a procedure for the compilation and maintenance of statistics on the  
9 frequency and use of foreign language interpreters appointed under this chapter and the need for  
10 foreign language interpreters in other languages.

11 (11) Establishing a procedure for the creation of a list of the names and ~~addresses~~  
12 contact information of all ~~state~~ certified interpreters and qualified interpreters and making said list  
13 available to ~~the state court administrator and to~~ all courts covered by this chapter.

14 SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

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1           This act would define "limited English proficient person" for the purposes of interpreters  
2 for legal proceedings as any person whose primary language is not English and who does not  
3 have the ability to adequately understand or communicate effectively in English. This act would  
4 also provide for language services at legal proceedings in the state court system. This act would  
5 also transfer the responsibility for developing and maintaining standards and an interpreter roster  
6 from the department of higher education to the administrative office of state courts.

7           This act would take effect upon passage.

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