

HB144 INTRODUCED



1 YK3SN6-1
2 By Representative Hill
3 RFD: Judiciary
4 First Read: 21-Mar-23
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SYNOPSIS:

This bill would provide for a certification process for court interpreters.

A BILL
TO BE ENTITLED
AN ACT

Relating to courts; to amend Section 15-1-3, Code of Alabama 1975, to provide for a certification process for court interpreters.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 15-1-3, Code of Alabama 1975, is amended to read:

"§15-1-3

(a) (1) If at any stage of a criminal proceeding, protection from abuse proceeding, or juvenile court proceeding or during the juvenile court intake process conducted pursuant to Sections 12-15-118 and 12-15-120 and Rule 12 of the Alabama Rules of Juvenile Procedure, the defendant, juvenile, complainant, petitioner, or a witness informs the court that he or she does not speak or adequately understand the English language, the court may appoint an interpreter.

(2) The defendant, juvenile, complainant, petitioner,



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29 or witness shall inform the appropriate court of his or her
30 need for an interpreter immediately upon receiving notice to
31 appear in the court.

32 (3) If the court determines that due process
33 considerations require an interpreter, the court shall appoint
34 a qualified person to interpret the proceedings for the
35 defendant, juvenile, complainant, petitioner, or witness
36 requesting assistance. The interpreter shall also interpret
37 the testimony or statements of the defendant, juvenile,
38 complainant, petitioner, or witness, and, where applicable,
39 assist in communications with counsel.

40 (4) If the court has reason to believe that the
41 defendant, juvenile, complainant, petitioner, or witness
42 requesting an interpreter is capable of speaking and
43 understanding the English language, the court may require that
44 the requestor provide reasonable proof to the court of his or
45 her inability to speak or understand the English language.

46 (b) Upon appointment, an interpreter shall swear under
47 oath that he or she will render a true and clear
48 interpretation to the best of his or her skill and judgment.

49 (c) The relations and communications between an
50 appointed interpreter and the requestor are placed on the same
51 basis as those provided by law between attorney and client.
52 Any information obtained by an interpreter from the requestor
53 pertaining to any proceeding then pending shall at all times
54 remain confidential and privileged, unless the requestor
55 expresses a desire that the information be communicated to
56 another person.



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57 (d) An interpreter appointed pursuant to this section
58 shall be entitled to a fee in an amount calculated according
59 to a fee schedule established by the Administrative Director
60 of Courts with the advice and consent of the state Comptroller
61 for his or her services. The fee shall be in addition to
62 actual expenses for travel and transportation. If the
63 interpreter is appointed by a district, circuit, or appellate
64 court the interpreter shall submit his or her expenses to the
65 judge making the appointment for approval. After approval, the
66 clerk of the court shall forward the expenses of the
67 interpreter to the state Comptroller to be paid from the fund
68 within the State General Fund known as "court assessed costs
69 not provided for." If the interpreter is appointed by another
70 authority, the fee shall be paid out of funds available to
71 that appointing authority. Nothing in this section shall
72 prohibit the court from taxing the costs of the interpreter
73 against one or more of the parties for immediate payment or
74 from requiring reimbursement to the state at a later date.

75 (e) (1) An individual may become certified as an
76 interpreter after successfully passing an interpretation test
77 created and administered by the Administrative Office of
78 Courts, or an entity approved by the Administrative Office of
79 Courts.

80 (2) The Administrative Office of Courts may establish a
81 mandatory certification fee, paid by the individual seeking
82 certification, to cover the costs of developing,
83 administering, and grading the interpretation test.

84 (3) The Administrative Office of Courts may use the



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85 funds collected from the certification fee to pay any costs
86 associated with the development, administration, or grading of
87 the interpretation test.

88 (4) The fees shall be deposited in the State Judicial
89 Administration Fund established in Section 12-19-310."

90 Section 2. This act shall become effective on the first
91 day of the third month following its passage and approval by
92 the Governor, or its otherwise becoming law.