

SUBJECT: Revising provisions for certified and licensed court interpreters

COMMITTEE: Judicial Affairs — favorable, without amendment

VOTE: 5 ayes — Hartnett, Solis, Alonzo, Hughes, Rodriguez

0 nays

4 absent — T. Smith, Corte, Telford, Wilson

WITNESSES: For — Donna Collins, Texas Court Reporters Association and TCRA
Communication Access Real-Time Translation Foundation; Dana Smelley,
Texas Court Reporters Association

Against — None

On — Melissa Barlow Fischer, Bexar County Criminal District Courts; Billy
Collins, Texas Commission for the Deaf and Hard of Hearing; Chris Kadas,
Texas Department of Licensing and Regulation

BACKGROUND: The 77th Legislature in 2001 enacted HB 2735 by Thompson, requiring a court in a civil or criminal proceeding to appoint a certified or licensed court interpreter upon a party's or witness's request. A court may appoint an interpreter on its own motion. A certified court interpreter is qualified under Code of Criminal Procedure, art. 38.31, Civil Practice and Remedies Code, sec. 21.003, or certified by the Commission for the Deaf and Hard of Hearing to interpret court proceedings for a hearing-impaired person. A licensed court interpreter is licensed under Government Code, ch. 57, by the Commission of Licensing and Regulation to interpret court proceedings for a person who can hear but who does not comprehend or communicate in English. In counties with a population of 50,000 or less, a court may appoint a spoken-language interpreter at least 18 years old who is not a certified or licensed court interpreter if that person is qualified by the court as an expert under the Texas Rules of Evidence and is not a party to the proceeding.

The Commission for the Deaf and Hard of Hearing certifies court interpreters for hearing-impaired people, maintains a list of certified or otherwise

qualified court interpreters, and sends the list to each state court and, on request, to other interested people. The commission may contract with public or private educational institutions to administer a training program, and it may maintain a list of people certified by the Court Reporters Certification Board (CRCB) as specialists in real-time captioning.

DIGEST:

HB 1059 would specify that a certified court interpreter is one who meets the qualifications for an interpreter under Civil Practice and Remedies Code, sec. 21.003, and is certified by the Commission for the Deaf and Hard of Hearing. It would specify that a court must appoint one or more certified court interpreters, as necessary, when requested by a party or witness. A court could appoint one or more certified court interpreters on its own motion.

The bill would specify that the provisions relating to the use of a licensed or certified court interpreter also would apply to a deposition, an alternative dispute resolution procedure to which the parties had been referred by a court, and a court-ordered mental or physical examination. It would authorize the Commission for the Deaf and Hard of Hearing to make rules establishing guidelines and best practices for certified court interpreters.

The bill would take effect September 1, 2003.

**SUPPORTERS
SAY:**

HB 1059 would clarify current law related to court interpreters. Since the enactment of HB 2735 in 2001, several attorney general's opinions have noted a need for clarification. The bill would allow courts to appoint more than one interpreter if needed for a particular case. It also would make clear that interpreters could be appointed for certain proceedings outside of court, such as depositions, increasing access to these proceedings for those who need interpreters.

HB 1059 would ensure that court-certified interpreters were qualified to interpret communications properly. Many of the tests specified under the codes as being sufficient to qualify interpreters are outdated and no longer used. Requiring them to meet the standards set out by the Code of Criminal Procedures or Civil Practice and Remedies Code, as well as being certified by the Commission for the Deaf and Hard of Hearing, would ensure that communications were interpreted correctly.

By allowing the commission to set guidelines for certified court interpreters, the bill would increase access for those who need these services. Many people are hard of hearing but cannot speak sign language. These people can use communication access real-time translation (CART) to communicate in court proceedings. In CART, an interpreter, who often is also a court reporter, types spoken words into a computer, allowing the person to read what has been said. HB 1059 would allow the commission to vest the CRCB with authority to certify and regulate specialists in CART reporting.

The fiscal impact to the state would be minimal considering the bill's benefit to the many people who need help to communicate in court proceedings.

**OPPONENTS
SAY:**

By making requirements for court-certified interpreters more stringent, HB 1059 could reduce the number of interpreters available to assist people in legal proceedings.

NOTES:

The bill's fiscal note projects a net cost of \$8,600 in general revenue in fiscal 2004 and \$2,600 each year thereafter to establish the training program for certification of CART providers and to administer examinations.