

## BILL ANALYSIS

Senate Research Center

H.B. 2200  
By: Thompson (Carona)  
Jurisprudence  
5/6/2005  
Engrossed

### AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

H.B. 2735, enacted by the 77th Legislature, Regular Session, 2003, established certified court interpreters for language and hearing-impaired individuals. Currently, the Texas Court Reporters Association provides a list of certified individuals to the Texas Court Reporters Certification Board. Discrepancies in current statute allows individuals who are not qualified to interpret in legal settings.

H.B. 2200 updates statutory language for court interpreters for the hearing impaired and changes the certifying organization for real-time interpreters to the Texas Court Reporters Association, so that only certified individuals are allowed to interpret in a legal setting. This will ensure equity in the courtroom for language and hearing impaired individuals.

### RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Texas Commission for the Deaf and Hard of Hearing is transferred to the executive commissioner of the Health and Human Services Commission in SECTION 4 (Section 57.022, Government Code) of this bill.

### SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 57.001, Government Code, by amending Subdivisions (1)-(3), to redefine "certified court interpreter," "commission" as "department," "executive director" as "commissioner," and adding Subdivisions (7) to define "court proceeding."

SECTION 2. Amends Section 57.002(c), Government Code, to delete existing text relating to a certified court interpreter.

SECTION 3. Amends Section 57.021, Government Code, as follows:

Sec. 57.021. COURT INTERPRETER CERTIFICATION PROGRAM. (a) Requires the Department of Assistive and Rehabilitative Services (department), rather than Texas Commission for the Deaf and Hard of Hearing (commission), to certify court interpreters to interpret court proceedings for a hearing-impaired individual.

(b) and (c) Makes conforming changes.

(d) Authorizes the Department of Assistive and Rehabilitative Services (department) to maintain a list of persons certified by the Texas Court Reporters Association as qualified to provide communication access real-time translation services for a hearing-impaired individual in a court proceeding, rather than specialists in real-time captioning, and, on request to send the list to a person or court.

(e) Makes a conforming change.

SECTION 4. Amends Section 57.022, Government Code, as follows:

Sec. 57.022. CERTIFICATION; RULES. (a) Makes conforming changes.

(b) Requires the executive commissioner of the Health and Human Services Commission, rather than the Texas Commission for the Deaf and Hard of Hearing, by rule to provide for certain qualifications, programs, fees, instructions, and sanctions.

SECTION 5. Amends Sections 57.023(a) and (c), Government Code, to make conforming changes.

SECTION 6. Amends Section 57.024, Government Code, to make conforming changes.

SECTION 7. Amends Section 57.025, Government Code, to make conforming changes.

SECTION 8. Amends Section 57.026, Government Code, as follows:

Sec. 57.026. PROHIBITED ACTS. Prohibits a person from interpreting for a hearing-impaired individual at a court proceeding, or advertising, or representing that the person is a certified court interpreter unless the person holds an appropriate certificate under this subchapter.

SECTION 9. Amends Section 57.027(b), Government Code, to make a conforming change.

SECTION 10. Amends Section 21.003, Civil Practice and Remedies Code, effective September 1, 2006, as follows:

Section 21.003. QUALIFICATIONS. Requires the interpreter to hold a current legal certificate, rather than Reverse Skills Certificate, Comprehensive Skills Certificate, or Legal Skills Certificate, issued by the National Registry of Interpreters for the Deaf or a current court interpreter certificate, rather than Level III, IV, or V Certificate issued by the Board for Evaluation of Interpreters in the Department of Assistive and Rehabilitative Services.

SECTION 11. Amends Article 38.31(g)(2), Code of Criminal Procedure, effective September 1, 2006, to make conforming changes in the definition of "qualified interpreter."

SECTION 12. Makes application of this Act prospective.

SECTION 13. Effective date: September 1, 2005, except as otherwise provided by this Act.