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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 to be fully protected in legal
8 proceedings in ~~criminal~~ matters before the Rhode Island ~~superior court, the Rhode Island district~~
9 ~~court, and in juvenile matters in the Rhode Island family court~~ unified state court system. Court
10 interpretation requires not only a full command of two (2) languages, but also a knowledge of
11 courtroom procedure, legal vocabulary, the overall court and legal systems, and an understanding
12 that the role of an interpreter consists not of abridging or editorializing, but of exactly interpreting
13 every 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~~
16 proceedings 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; [and](#)

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~~ [that](#) 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,
23 criteria, and testing methods for the certification of foreign language interpreters under this
24 chapter. The 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~~ [that](#) wish to offer courses in foreign
32 language 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
4 certificates 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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RELATING TO COURTS AND CIVIL PROCEDURE - LANGUAGE INTERPRETERS - USE
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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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