
A BILL FOR AN ACT

RELATING TO COURT INTERPRETERS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Federal laws require the state judiciary to
2 provide language interpretation services to court users who are
3 limited-English proficient, deaf, or hard-of-hearing. The court
4 interpreter program does not presently include court interpreter
5 certification training or testing. The legislature finds that a
6 state court interpreter certification program will permit
7 identification of the best-qualified language interpreters
8 through appropriate screening and testing. Such a state court
9 interpreter certification program will also help to protect the
10 rights of those court users who are limited-English proficient,
11 deaf, or hard-of-hearing.

12 The purpose of this Act is to require the judiciary to
13 establish and implement a state court interpreter certification
14 program, and to appoint and use certified court interpreters in
15 legal proceedings.



1 SECTION 2. Chapter 606, Hawaii Revised Statutes, is
2 amended by adding five new sections to be appropriately
3 designated and to read as follows:

4 "§606- Policy; intent. It is the policy of this State
5 to ensure that persons who are limited-English proficient, deaf,
6 or hard-of-hearing, and who are unable to understand or
7 communicate adequately in the English language, are provided
8 interpreters when they appear or are involved in legal
9 proceedings.

10 It is the intent of this chapter to provide for the
11 certification, appointment, and use of interpreters to secure
12 the rights of individuals who are limited-English proficient,
13 deaf, or hard-of-hearing in all legal proceedings as defined by
14 this chapter.

15 §606- Definitions. As used in this chapter:

16 "Appointing authority" means a trial judge, administrative
17 hearing officer, or other officer authorized by law to conduct
18 legal proceedings within the jurisdiction of the judiciary.

19 "Certified interpreter" means a person who holds a valid
20 certificate as a certified court interpreter issued by the
21 judiciary; or an American sign language interpreter who is:



1 (1) Nationally certified by the Registry of Interpreters
2 for the Deaf or the National Association of the Deaf;
3 or

4 (2) Certified by the Hawaii quality assurance system at
5 level V.

6 "Legal proceeding" means a civil, criminal, or an
7 administrative proceeding within the jurisdiction of the
8 judiciary.

9 "Limited-English proficient" refers to a person's limited
10 ability to speak, read, or understand the English language. For
11 purposes of this chapter, a limited-English proficient court
12 user or individual is a principal party in interest or witness
13 participating in a legal proceeding.

14 "Principal party in interest" means a person involved in a
15 legal proceeding who is a named party, who will be bound by the
16 decision or action, or who is foreclosed from pursuing the
17 person's rights by the decision or action, which may be taken in
18 the proceeding.

19 "Witness" means anyone who testifies in any legal
20 proceeding.

21 §606- Program; responsibilities. (a) Staff and
22 administrative support to implement, administer, and manage the



1 operations of the state court interpreter certification program
2 shall be provided by the administrative director of the courts,
3 subject to the necessary funds being appropriated, granted, or
4 provided for this purpose.

5 (b) The administrative director of the courts shall
6 establish minimum standards and procedures for a state court
7 interpreter certification program.

8 (c) The administrative director of the courts shall adopt
9 rules necessary for the implementation and administration of the
10 state court interpreter certification program. The rules may
11 include provisions for state court interpreter training,
12 qualification, certification, professional conduct, and
13 discipline. The judiciary shall set fees to be charged to
14 applicants for certification services related to the state court
15 interpreter certification program including certification
16 training, certification testing, and renewal of certification.

17 **§606- Certified interpreter required; appointment of**
18 **non-certified interpreter.** (a) When the appointing authority
19 determines that a principal party in interest or witness is
20 limited-English proficient, deaf, or hard-of-hearing, a
21 certified interpreter shall be appointed.

1 (b) The appointing authority may appoint a non-certified
2 interpreter in legal proceedings for good cause, including where
3 good faith efforts to obtain a certified interpreter have been
4 made and a certified interpreter was not reasonably available.

5 §606- Cost of interpreting services. Compensation for
6 services of state court interpreters shall be determined by a
7 schedule of fees adopted by the judiciary. State court
8 interpreters shall be paid in such manner as the judiciary may
9 determine, subject to the necessary funds being appropriated,
10 granted, or provided for this purpose."

11 SECTION 3. There is appropriated out of the general
12 revenues of the State of Hawaii the sum of \$, or so much
13 thereof as may be necessary for fiscal year 2007-2008, and the
14 same sum, or so much thereof as may be necessary for fiscal year
15 2008-2009, for the office of the administrative director of the
16 courts to establish, implement, and operate a statewide court
17 interpreter orientation, testing, and certification program.

18 The sums appropriated shall be expended by the judiciary
19 for the purposes of this Act.

20 SECTION 4. If any provision of this Act, or the
21 application thereof to any person or circumstance is held
22 invalid, the invalidity does not affect other provisions or



1 applications of the Act, which can be given effect without the
2 invalid provision or application, and to this end the provisions
3 of this Act are severable.

4 SECTION 5. This Act shall take effect on July 1, 2008;
5 provided that section 3 of this Act shall take effect on July 1,
6 2007.

7



REPORT Title:

Court Interpreters

Description:

Requires the judiciary to certify court interpreters and to appoint and use certified court interpreters in legal proceedings. (HD1 SD1)

