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## A BILL FOR AN ACT

RELATING TO SIGN LANGUAGE INTERPRETERS.

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

1           SECTION 1. Chapter 801, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4           "§801-           Sign language interpreter; requirement. (a) At  
5 any stage of a criminal proceeding, including the taking of a  
6 person into custody prior to being charged with any offense, a  
7 person who reasonably appears to require a sign language  
8 interpreter for communication purposes shall have the right to  
9 receive the services of a sign language interpreter certified by  
10 the judiciary.

11           (b) A law enforcement officer, judiciary employee, or  
12 other agent of the State or county who fails to provide a sign  
13 language interpreter to a person pursuant to subsection (a)  
14 shall be subject to the following penalties:

15           (1) For a first offense, an administrative fine of \$           ,  
16           which shall be deposited into the disability and



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1           communication access board special fund established  
 2           under section 348F-7; and  
 3       (2) For a subsequent offense that occurs within one year  
 4           of a prior offense, the offense shall be a violation  
 5           punishable by a fine of not less than \$           and not  
 6           more than \$           , which shall be deposited into the  
 7           court interpreting services revolving fund established  
 8           under section 607-1.5.

9       (c) As used in this section, "custody" has the same  
 10 meaning as in section 710-1000."

11           SECTION 2. Section 348F-3, Hawaii Revised Statutes, is  
 12 amended to read as follows:

13           "~~[+]§348F-3[+]~~ **Duties and functions of the board.** The  
 14 board shall perform the following duties and functions:

- 15           (1) Establish guidelines for the design of buildings and  
 16           facilities by or on behalf of the State and counties  
 17           in accordance with section 103-50;
- 18           (2) Provide review and recommendations on all state and  
 19           county plans for buildings and facilities, in  
 20           accordance with section 103-50;



- 1           (3) Establish guidelines for the utilization of  
2           communication access services provided for persons who  
3           are deaf, hard-of-hearing, or deaf-blind in state and  
4           county programs and activities. Guidelines include [7]  
5           but are not limited to [7] determining the  
6           qualifications of interpreters who may provide  
7           services, the amount of payment to interpreters, and  
8           the credentialing of interpreters who do not hold  
9           national certification via a state screening process;
- 10          (4) Administer the statewide program for parking for  
11          disabled persons, in accordance with part III of  
12          chapter 291;
- 13          (5) Serve as public advocate of persons with disabilities  
14          by providing advice and recommendations on matters  
15          relating to access for persons with disabilities, with  
16          emphasis on legislative matters, administrative rules,  
17          policies, and procedures of the state and county  
18          governments;
- 19          (6) Review and assess the problems and needs relating to  
20          access for persons with disabilities in the State in



- 1 order to provide recommendations [~~in the improvement~~  
2 ~~of~~] to improve laws and services;
- 3 (7) Serve as the designated state agency to coordinate the  
4 efforts of the State to comply with the requirements  
5 of the Americans with Disabilities Act for access to  
6 services, employment, telecommunications, and facility  
7 and site design;
- 8 (8) Provide technical assistance and guidance to, but not  
9 limited to, state and county entities in order to meet  
10 the requirements of state, federal, and county laws  
11 providing for access for persons with disabilities  
12 through public education programs and other voluntary  
13 compliance efforts; [~~and~~]
- 14 (9) Administer funds allocated for its work, including  
15 disbursement and allocation of funds that may be  
16 available from public and private sources; provided  
17 that [~~such~~] the disbursement and allocation shall be  
18 consistent with the specific requirements and purposes  
19 of this chapter[-]; and
- 20 (10) Enforce the administrative penalty provided for in  
21 section 801- (b) (1)."



1 SECTION 3. Section 348F-7, Hawaii Revised Statutes, is  
2 amended by amending subsection (a) to read as follows:

3 "(a) There is established the disability and communication  
4 access board special fund to be administered by the disability  
5 and communication access board. All moneys received by the  
6 disability and communication access board, including any  
7 administrative fines collected pursuant to section  
8 801- (b) (1), shall be deposited into the special fund. All  
9 interest earned or accrued on moneys deposited into this special  
10 fund shall become part of the special fund."

11 SECTION 4. Section 607-1.5, Hawaii Revised Statutes, is  
12 amended by amending subsection (a) to read as follows:

13 "(a) There is established in the state treasury the court  
14 interpreting services revolving fund, into which shall be  
15 deposited:

16 (1) Fees, charges, and other moneys collected for programs  
17 relating to interpreter issues and training,  
18 screening, testing, and certification of court  
19 interpreters;

20 (2) Fines collected for violations under section  
21 801- (b) (2);



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1        [~~(2)~~] (3) All moneys received from public or private  
2                    sources for the purposes of this fund; and  
3        [~~(3)~~] (4) Any interest accrued or investment earnings  
4                    realized that are attributable to the moneys in the  
5                    revolving fund."

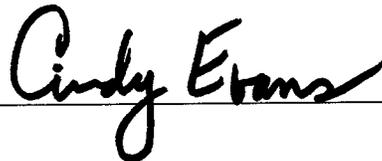
6            SECTION 5. This Act does not affect rights and duties that  
7 matured, penalties that were incurred, and proceedings that were  
8 begun before its effective date.

9            SECTION 6. Statutory material to be repealed is bracketed  
10 and stricken. New statutory material is underscored.

11           SECTION 7. This Act shall take effect on July 1, 2018.

12

INTRODUCED BY:



JAN 18 2018



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**Report Title:**

Interpreters; Sign Language; Deaf; Disability and Communication  
Access Board; Criminal Proceedings

**Description:**

Provides for the right to a certified sign language interpreter at any stage of a criminal proceeding, including the taking of a person into custody prior to being charged with any offense. Provides that administrative fines be deposited into the DCAB special fund and criminal fines be deposited into the court interpreting services revolving fund.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

