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BILL ANALYSIS

AB 2370
Page 1

Date of Hearing: May 6, 2014

ASSEMBLY COMMITTEE ON JUDICIARY
Bob Wieckowski, Chair
AB 2370 (Chau) - As Amended: March 28, 2014

As Proposed to be Amended

SUBJECT : COURT INTERPRETERS

KEY ISSUE : SHOULD THE QUALIFICATIONS OF COURT INTERPRETERS BE BETTER DOCUMENTED TO ADDRESS CONCERNS ABOUT MISREPRESENTATIONS?

SYNOPSIS

This bill seeks to improve court interpreter services by requiring that certain facts consistent with existing law be stated on the record when a court engages a non-certified or non-registered interpreter to provide services. Supporters believe that some of the persons so engaged are not in fact qualified to serve as interpreters under existing requirements. By requiring that the name and qualifications of interpreters be stated on the record, it is expected that potential misrepresentations to the court will be deterred or detected, thereby improving the quality of court interpretation.

SUMMARY : Requires specified information to be stated on the record when a non-certified or non-registered court interpreter is used. Specifically, this bill :

- 1) Requires the judge in a court proceeding, when using a non-certified or registered interpreter, to require the name of the interpreter and a statement that he or she meets the qualification requirements specified to be stated on the record.
- 2) Requires the judge in a court proceeding when using a certified or registered court reporter, to state on the record, other things, the name of the interpreter, the status of his or her interpreter certification, and a statement that the interpreter's oath was administered to the interpreter, or that he or she has an oath on file with the court, as specified.

EXISTING LAW :

- 1) Provides for the regulation of court interpreters, and requires the Judicial Council to designate the languages for which certification programs shall be established. (Government Code section 68562.)
- 2) Provides that any person who interprets in a court proceeding using a language designated by the Judicial Council is required to be a certified court interpreter for the language used. (Government Code section 68561.)
- 3) Authorizes the court, for good cause, to appoint an interpreter who does not hold an interpreter certificate for a designated language and authorizes a person who interprets in a court proceeding using a language not designated by the Judicial Council to be qualified by the court under qualification procedures and guidelines adopted by the council. (Government Code section 68561.)
- 4) Requires interpreters to establish to the court that they meet the requirements described above under procedures adopted by the Judicial Council and also requires the court record to show that the interpreter is a certified interpreter or qualified as an interpreter for good cause or for a non-designated language, as specified. (Government Code section 68564.)

FISCAL EFFECT : As currently in print this bill is keyed non-fiscal.

COMMENTS : The author explains the rationale for the bill as follows:

AB 2370 establishes a procedure for courts to better identify certified interpreters in all court proceedings.

Nearly seven million Californians cannot access the courts without significant language assistance. As the population of limited English proficient individuals and the demand for court interpreters increases in California, and as the Judicial Council continues to take action to expand the use of certified court interpreters to meet federal compliance standards, it is crucial to have identification procedures in place for judges to better verify the qualifications of interpreters in court proceedings.

Under current law, local courts are required to follow procedures to identify certified v. non-certified interpreters. Non-certified interpreters may only be assigned when a certified interpreter is unavailable.

A certified interpreter must take an oath that he or she will make a true interpretation of the court proceeding with his or her best skill and judgment. This oath is administered by a judge and a written oath is then signed by the interpreter and put on file. This process is known as having an "oath on file" and provides efficiency so that a new oath does not have to be administered during each court proceeding. Having an 'oath on file' is also the courts way of identifying certified interpreters v. non-certified interpreters.

However, there is no statutory requirement for a judge to verify the qualifications of an interpreter who claims to be certified, or claims to have an "oath on file." Instead, non-certified interpreters often say they have an oath on file, thus giving a false impression that they are certified. This results in judges struggling to recognize when an interpreter is actually certified and when there is a need to follow court procedures for qualifying a non-certified interpreter.

Ensuring that a certified interpreter has a certification number, certification status, and badge or photo identification would increase the accuracy of determining whether the court proceeding has received services from a certified interpreter or a non-certified interpreter.

AB 2370 would increase accountability for the use of certified court interpreters and prevents any misrepresentation of certification by requiring a judge to direct the certified interpreter to state, for the record, their name and certification status, show photo identification, identify the language that will be interpreted and verify the filing of their oath with the court.

This Bill Would Create A Record of Compliance With Existing Rules Requiring Use of Qualified Interpreters. Existing law provides that any person who interprets in a court proceeding

using a language designated by the Judicial Council is generally required to be a certified court interpreter for the language used, but authorizes the court for good cause to appoint an interpreter who is not certified or registered to be qualified by the court under qualification procedures and guidelines adopted by the council. Existing law requires interpreters to establish to the court that they meet the specified criteria, and requires the court record to show that the interpreter is a certified interpreter or qualified as an interpreter for good cause or for a non-designated language, as specified.

This bill is prompted by concerns that existing requirements are either not being followed or are not being properly demonstrated. According to the sponsor, California Federation of Interpreters, some persons engaged by the courts to provide interpreter services have deceived the courts by misrepresenting their status and qualifications. CFI contends that this bill would increase accuracy, accountability and supervision.

Author's Technical Amendments . To clarify the intent of the measure, the author proposes the following technical amendments.

Section 68561 of the Government Code is amended to read:

(f) If a court uses ~~a qualified~~ interpreter qualified pursuant to subdivision (c) or (d), the ~~presiding~~ judge in the court proceeding shall require the following to be stated on the record:

(1) The name of the qualified interpreter.

(2) A statement that the qualified interpreter meets the requirements of subdivision (c) or (d).

(g) If a court uses a certified or registered court interpreter, as defined by Section 68566, the ~~presiding~~ judge in the court proceeding shall require the following to be stated on the record:

(1) The name of the certified or registered court interpreter, as listed on his or her court interpreter certification.

(2) The status of his or her interpreter certification or registration, including his or her current certification or registration number.

(3) A statement that the certified or registered court interpreter has presented photo identification or a certified interpreter identification badge to the court.

(4) The language to be interpreted.

(5) A statement that the interpreter's oath was administered to

the certified or registered court interpreter or that he or she has an oath on file with the court.

REGISTERED SUPPORT / OPPOSITION :

Support

California Federation of Interpreters (sponsor)

Opposition

None on file

Analysis Prepared by : Kevin G. Baker / JUD. / (916) 319-2334