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# 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 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 authorize 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.

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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 to  
5 ensure that persons who are limited-English proficient, deaf, or  
6 hard-of-hearing, and who are unable to understand or communicate  
7 adequately in the English language, are provided interpreters  
8 when they appear or are involved in legal proceedings.

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

14 §606 - Definitions. As used in this chapter:

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

18 "Certified interpreter" means a person who holds a valid  
19 certificate as a certified court interpreter issued by the  
20 judiciary.

21 "Legal proceeding" means a civil, criminal, or an  
22 administrative proceeding within the jurisdiction of the  
23 judiciary.



1 "Limited-English proficient" refers to a person's limited  
2 ability to speak, read, or understand the English language. For  
3 purposes of this Act, a limited-English proficient court user or  
4 individual is a principal party in interest or witness  
5 participating in a legal proceeding.

6 "Principal party in interest" means a person involved in a  
7 legal proceeding who is a named party, who will be bound by the  
8 decision or action, or who is foreclosed from pursuing the  
9 person's rights by the decision or action, which may be taken in  
10 the proceeding.

11 "Witness" means anyone who testifies in any legal  
12 proceeding.

13 **§606 - Implementing responsibilities.** (a) Staff and  
14 administrative support to implement, administer, and manage the  
15 operations of the state court interpreter certification program  
16 shall be provided by the administrative director of the courts,  
17 subject to the necessary funds being appropriated, granted, or  
18 provided for this purpose.

19 (b) The administrative director of the courts shall  
20 establish minimum standards and procedures for a state court  
21 interpreter certification program.

22 (c) The administrative director of the courts shall adopt  
23 such rules as deemed necessary for the administration of the



1 state court interpreter certification program. The rules may  
2 include, but are not limited to, provisions for state court  
3 interpreter training, qualification, certification, professional  
4 conduct, and discipline. The judiciary shall set fees to be  
5 charged to applicants for certification services related to the  
6 state court interpreter certification program including, but not  
7 limited to, certification training, certification testing, and  
8 renewal of certification.

9 **§606 - Certified interpreter required; appointment of non-**  
10 **certified interpreter.** (a) When the appointing authority  
11 determines that a principal party in interest or witness is  
12 limited-English proficient, deaf, or hard-of-hearing, a certified  
13 interpreter shall be appointed.

14 (b) The appointing authority, for good cause, may appoint a  
15 non-certified interpreter in legal proceedings, including but  
16 not limited to, where good faith efforts to obtain a certified  
17 interpreter have been made and a certified interpreter was not  
18 reasonably available.

19 **§606 - Cost of interpreting services.** Compensation for  
20 services of state court interpreters shall be determined by a  
21 schedule of fees adopted by the judiciary. State court  
22 interpreters shall be paid in such manner as the judiciary may  
23 determine, subject to the necessary funds being appropriated,  
24 granted, or provided for this purpose."



1 SECTION 3. There is appropriated out of the general  
2 revenues of the State of Hawaii the sum of \$ , or so  
3 much thereof as may be necessary for fiscal year 2007-2008, and  
4 the same sum, or so much thereof as may be necessary for fiscal  
5 year 2008-2009, for the administrative office of the courts to  
6 establish and operate a statewide court interpreter orientation,  
7 testing, and certification program.

8 The sums appropriated shall be expended by the judiciary  
9 for the purposes of this Act.

10 SECTION 4. If any provision of this Act, or the  
11 application thereof to any person or circumstance is held  
12 invalid, the invalidity does not affect other provisions or  
13 applications of the Act, which can be given effect without the  
14 invalid provision or application, and to this end the provisions  
15 of this Act are severable.

16 SECTION 5. This Act shall take effect on July 1, 2008;  
17 provided that section 3 of this Act shall take effect on July 1,  
18 2007.

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**Report Title:**

Court Interpreters

**Description:**

Requires the judiciary to certify court interpreters and to appoint and use certified court interpreters in legal proceedings.

