

SENATE BILL 280

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1999 Regular Session
9r1154
CF 9r1153

By: **Chairman, Judicial Proceedings Committee (Maryland Judicial Conference)**

Introduced and read first time: February 4, 1999

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Court Interpreters**

3 FOR the purpose of authorizing the Administrative Office of the Courts to apply to
4 the Criminal Justice Information System for a criminal background
5 investigation of an individual who seeks a court interpreter assignment;
6 requiring an individual who seeks a court interpreter assignment to submit
7 fingerprint cards and to pay for the investigation as required by State and
8 federal law; stating that the investigation does not affect the status of an
9 interpreter as an independent contractor; repealing certain statutes relating to
10 the usage and payment of interpreters; providing for rules of the Court of
11 Appeals to govern the selection, use, and compensation of court interpreters;
12 altering the source of interpreters for other State agencies; delineating the
13 privilege between a court interpreter and the individual for whom the
14 interpreter provides interpretation; and generally relating to interpreters.

15 BY repealing
16 Article 27 - Crimes and Punishments
17 Section 623A
18 Annotated Code of Maryland
19 (1996 Replacement Volume and 1998 Supplement)

20 BY repealing and reenacting, with amendments,
21 Article 30 - Deaf, Mute or Blind
22 Section 1(b)(3)
23 Annotated Code of Maryland
24 (1997 Replacement Volume and 1998 Supplement)

25 BY adding to
26 Article - Courts and Judicial Proceedings
27 Section 2-107
28 Annotated Code of Maryland
29 (1998 Replacement Volume)

1 BY repealing
2 Article - Courts and Judicial Proceedings
3 Section 9-114
4 Annotated Code of Maryland
5 (1998 Replacement Volume)

6 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
7 MARYLAND, That the Laws of Maryland read as follows:

8 **Article 27 - Crimes and Punishments**

9 [623A.

10 (a) (1) In any criminal proceeding in any court in this State there shall be
11 appointed a qualified interpreter to assist the defendant throughout the proceedings
12 when the defendant:

13 (i) Is deaf or a deaf-mute;

14 (ii) Because of hearing, speaking, or other impairment cannot
15 readily understand or communicate the English language and is incapable of
16 understanding any charge made against the defendant or assisting the presentation
17 of the defense; or

18 (iii) Cannot readily understand or communicate the English
19 language and is incapable of understanding any charge made against the defendant
20 or assisting the presentation of the defense.

21 (2) The appointment required under paragraph (1) of this subsection
22 shall also be made for parties subject to possible commitment in insanity or mental
23 health commitment proceedings.

24 (b) Any interpreter appointed pursuant to this section shall receive from the
25 court compensation for his services in an amount equal to that provided for
26 interpreters of languages other than English and reimbursement for actual and
27 necessary expenses incurred in the performance of his services.]

28 **Article 30 - Deaf, Mute or Blind**

29 1.

30 (b) (3) In selecting a qualified interpreter for appointment, the agency may
31 consult the [directory of interpreters for manual communication or oral
32 interpretation to assist deaf persons which is maintained by the courts of this State]
33 REGISTRY OF INTERPRETERS THAT THE ADMINISTRATIVE OFFICE OF THE COURTS
34 KEEPS, AS TO THOSE INDIVIDUALS WHO CONSENT TO THE RELEASE OF THEIR
35 NAMES, ADDRESSES, AND OTHER INFORMATION TO AN AGENCY.

1 **Article - Courts and Judicial Proceedings**

2 2-107.

3 (A) (1) THE ADMINISTRATIVE OFFICE OF THE COURTS MAY REQUIRE AN
4 INDIVIDUAL WHO SEEKS AN ASSIGNMENT AS A COURT INTERPRETER, WHETHER AS
5 AN INDEPENDENT CONTRACTOR OR AS A FULL- OR PART-TIME EMPLOYEE, TO
6 UNDERGO A CRIMINAL BACKGROUND INVESTIGATION AND, FOR THIS PURPOSE, TO
7 SUBMIT TO THE ADMINISTRATIVE OFFICE:

8 (I) TWO SETS OF FINGERPRINT CARDS MARKED WITH THE
9 INDIVIDUAL'S FINGERPRINTS; AND

10 (II) PAYMENT FOR:

11 1. THE MANDATORY PROCESSING FEE REQUIRED BY THE
12 FEDERAL BUREAU OF INVESTIGATION FOR CONDUCTING A CRIMINAL BACKGROUND
13 INVESTIGATION; AND

14 2. THE FEE AUTHORIZED UNDER ARTICLE 27, § 746 (B)(8) OF
15 THE CODE FOR ACCESS TO MARYLAND CRIMINAL HISTORY RECORDS.

16 (2) THE REQUIREMENT FOR AN INVESTIGATION MAY NOT BE
17 CONSTRUED TO ALTER THE STATUS OF AN INTERPRETER AS AN INDEPENDENT
18 CONTRACTOR TO THE STATUS AS AN EMPLOYEE.

19 (B) A COURT SHALL SELECT AN INTERPRETER, DIRECT THE MANNER IN
20 WHICH THE INTERPRETER IS TO BE PAID, AND OTHERWISE PROVIDE FOR THE USE OF
21 INTERPRETERS TO ASSIST THE COURT AS PROVIDED IN THE MARYLAND RULES.

22 (C) AN INTERPRETER WHOM A COURT APPOINTS AS A COURT INTERPRETER IS
23 AN OFFICER OF THE COURT, AND NO PRIVILEGE EXISTS FOR AN INDIVIDUAL FOR
24 WHOM THE INTERPRETER INTERPRETS UNLESS THE COURT EXPRESSLY DIRECTS
25 THE INTERPRETER TO ACT AS AN AGENT FOR AN ATTORNEY OR OTHER PERSON WITH
26 A PRIVILEGE AND THEN ONLY TO THE EXTENT OF THAT PERSON'S PRIVILEGE.

27 [9-114.

28 (a) If a party or witness is deaf or cannot readily understand or communicate
29 the spoken English language, any party may apply to the court for the appointment of
30 a qualified interpreter to assist that person. Upon the application of any party or
31 witness who is deaf the court shall appoint a qualified interpreter to assist that
32 person. The court shall maintain a directory of interpreters for manual
33 communication and/or oral interpretation to assist deaf persons.

34 (b) Any interpreter appointed pursuant to this section shall be allowed
35 compensation the court deems reasonable. It is discretionary with the court, in
36 accordance with the provisions of the federal Americans with Disabilities Act, to tax,
37 as part of the costs of the case, amounts paid to an interpreter for services and

1 expenses. Otherwise the amount shall be paid by the county where the proceedings
2 were initiated.]

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 1999.