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

Introduced and read first time: February 4, 1999
Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: March 2, 1999

CHAPTER _____

1 AN ACT concerning

2 **Court Interpreters**

3 FOR the purpose of ~~authorizing~~ requiring the Administrative Office of the Courts to
4 require an individual who seeks assignment as a court interpreter to apply to
5 the Criminal Justice Information System Central Repository for a ~~criminal~~
6 ~~background investigation of an individual who seeks a court interpreter~~
7 ~~assignment~~ State and national criminal history records check; requiring an
8 individual who seeks a court interpreter assignment to submit ~~fingerprint cards~~
9 fingerprints taken on certain forms and to pay ~~for the investigation~~ certain fees
10 as required by State and federal law; requiring the Criminal Justice Information
11 System Central Repository to provide the applicant's criminal history record
12 information to the Administrative Office of the Courts and the applicant;
13 providing that information received from the Criminal Justice Information
14 System Central Repository under this Act is confidential and may be used only
15 for a certain employment purpose; stating that ~~the investigation a criminal~~
16 history records check does not affect the status of an interpreter as an
17 independent contractor; repealing certain statutes relating to the usage and
18 payment of interpreters; providing for rules of the Court of Appeals to govern the
19 selection, use, and compensation of court interpreters; altering the source of
20 interpreters for other State agencies; delineating the privilege between a court
21 interpreter and the individual for whom the interpreter provides interpretation;
22 and generally relating to interpreters.

23 BY repealing
24 Article 27 - Crimes and Punishments
25 Section 623A
26 Annotated Code of Maryland

1 (1996 Replacement Volume and 1998 Supplement)

2 BY repealing and reenacting, with amendments,

3 ~~Article 30 - Deaf, Mute or Blind~~

4 Article - State Government

5 Section ~~1(b)(3)~~ 10-212.1(a)(3)

6 Annotated Code of Maryland

7 (~~1997~~ 1995 Replacement Volume and 1998 Supplement)

8 BY adding to

9 Article - Courts and Judicial Proceedings

10 Section 2-107

11 Annotated Code of Maryland

12 (1998 Replacement Volume)

13 BY repealing

14 Article - Courts and Judicial Proceedings

15 Section 9-114

16 Annotated Code of Maryland

17 (1998 Replacement Volume)

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

20 **Article 27 - Crimes and Punishments**

21 [623A.

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

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

26 (ii) Because of hearing, speaking, or other impairment cannot
27 readily understand or communicate the English language and is incapable of
28 understanding any charge made against the defendant or assisting the presentation
29 of the defense; or

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

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

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

~~Article 30 – Deaf, Mute or Blind~~

Article - State Government

~~10-212.1.~~

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

Article - Courts and Judicial Proceedings

2-107.

(A) (1) THE ADMINISTRATIVE OFFICE OF THE COURTS ~~MAY~~ SHALL REQUIRE AN INDIVIDUAL WHO SEEKS AN ASSIGNMENT AS A COURT INTERPRETER, WHETHER AS AN INDEPENDENT CONTRACTOR OR AS A FULL- OR PART-TIME EMPLOYEE, TO ~~UNDERGO A CRIMINAL BACKGROUND INVESTIGATION AND, FOR THIS PURPOSE, TO SUBMIT TO THE ADMINISTRATIVE OFFICE~~ APPLY TO THE CRIMINAL JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES FOR A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK.

(2) AS PART OF THE APPLICATION FOR A CRIMINAL HISTORY RECORDS CHECK, THE APPLICANT SHALL SUBMIT TO THE CRIMINAL JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY:

(I) ~~TWO COMPLETE SETS OF FINGERPRINT CARDS MARKED WITH THE INDIVIDUAL'S~~ THE APPLICANT'S LEGIBLE FINGERPRINTS TAKEN ON FORMS APPROVED BY THE DIRECTOR OF THE CRIMINAL JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY AND THE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION; AND

(II) ~~PAYMENT FOR:~~

~~1. THE MANDATORY PROCESSING FEE REQUIRED BY THE FEDERAL BUREAU OF INVESTIGATION FOR CONDUCTING A CRIMINAL BACKGROUND INVESTIGATION~~ A NATIONAL CRIMINAL HISTORY RECORDS CHECK; AND

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

1 (3) IN ACCORDANCE WITH ARTICLE 27, §§ 742 THROUGH 750 OF THE
2 CODE, THE CRIMINAL JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY SHALL
3 PROVIDE THE APPLICANT'S CRIMINAL HISTORY RECORD INFORMATION TO THE
4 ADMINISTRATIVE OFFICE OF THE COURTS AND THE APPLICANT.

5 (4) INFORMATION OBTAINED FROM THE CRIMINAL JUSTICE
6 INFORMATION SYSTEM CENTRAL REPOSITORY UNDER THIS SECTION SHALL BE:

7 (I) CONFIDENTIAL AND MAY NOT BE REDISSEMINATED; AND

8 (II) USED ONLY FOR THE EMPLOYMENT PURPOSE AUTHORIZED BY
9 THIS SECTION.

10 (2) (5) THE REQUIREMENT FOR AN INVESTIGATION A STATE AND
11 NATIONAL CRIMINAL HISTORY RECORDS CHECK MAY NOT BE CONSTRUED TO ALTER
12 THE STATUS OF AN INTERPRETER AS AN INDEPENDENT CONTRACTOR TO THE
13 STATUS AS AN EMPLOYEE.

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

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

22 [9-114.

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

29 (b) Any interpreter appointed pursuant to this section shall be allowed
30 compensation the court deems reasonable. It is discretionary with the court, in
31 accordance with the provisions of the federal Americans with Disabilities Act, to tax,
32 as part of the costs of the case, amounts paid to an interpreter for services and
33 expenses. Otherwise the amount shall be paid by the county where the proceedings
34 were initiated.]

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

