
By: **Delegates Montague, R. Baker, Barkley, Barve, Benson, Bobo, Boschert, Boutin, Branch, Bronrott, Brown, Burns, Cadden, Cane, Carlson, Clagett, Cole, Conroy, Cryor, D'Amato, C. Davis, D. Davis, DeCarlo, Dembrow, Dobson, Doory, Dypski, Eckardt, Finifter, Franchot, Frush, Fulton, Giannetti, Gladden, Glassman, Goldwater, Gordon, Griffith, Grosfeld, Hammen, Harrison, Healey, Heller, Hill, Hixson, Hubbard, Hurson, A. Jones, V. Jones, Kagan, Kirk, Klausmeier, Kopp, Krysiak, La Vay, Leopold, Love, Malone, Mandel, Marriott, McClenahan, McHale, McIntosh, Menes, Moe, Mohorovic, Morhaim, Nathan-Pulliam, Oaks, Owings, Paige, Palumbo, Patterson, Pendergrass, Petzold, Phillips, Pitkin, Proctor, Rosenberg, Rosso, Shriver, Sophocleus, Stern, Swain, Turner, Valderrama, Vallario, Walkup, and Zirkin**

Introduced and read first time: February 9, 2001
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Courts - Access to the Justice System - Language Barriers**

3 FOR the purpose of stating the intent of the General Assembly that access to the
4 State's justice system should not be impaired by the inability to speak or
5 understand English; requiring the courts to appoint more than one interpreter
6 under certain circumstances; requiring courts to appoint interpreters who have
7 certain certifications; requiring courts to translate certain documents into any
8 language spoken by a certain percentage of either the State population or the
9 population within the geographic jurisdiction of a courthouse; and generally
10 relating to access to the justice system by persons with language barriers.

11 BY repealing and reenacting, with amendments,
12 Article - Criminal Procedure
13 Section 1-202
14 Annotated Code of Maryland
15 (As enacted by Chapter ____ (S.B. 1) of the Acts of the General Assembly of 2001)

16 BY repealing and reenacting, with amendments,
17 Article - Courts and Judicial Proceedings
18 Section 9-114
19 Annotated Code of Maryland
20 (1998 Replacement Volume and 2000 Supplement)

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

3 **Article - Criminal Procedure**

4 1-202.

5 (A) THE GENERAL ASSEMBLY FINDS THAT:

6 (1) THE INABILITY TO SPEAK AND UNDERSTAND THE ENGLISH
7 LANGUAGE IS A BARRIER THAT PREVENTS ACCESS TO THE STATE'S JUSTICE SYSTEM
8 AND THE STATE SHOULD TAKE ACTIONS NECESSARY TO REMOVE THAT BARRIER;
9 AND

10 (2) COURTS SHOULD ESTABLISH PROCEDURES TO PROVIDE EQUAL
11 ACCESS TO SERVICES REGARDLESS OF LANGUAGE CAPACITY.

12 [(a)] (B) The court shall appoint a qualified interpreter to help a defendant in
13 a criminal proceeding throughout any criminal proceeding when the defendant is:

14 (1) deaf; or

15 (2) cannot readily understand or communicate the English language and
16 cannot understand a charge made against the defendant or help present the defense.

17 (C) THE APPOINTMENT REQUIRED UNDER SUBSECTION (B) OF THIS SECTION
18 SHALL INCLUDE MORE THAN ONE INTERPRETER WHEN NECESSARY TO PROTECT
19 CLIENT CONFIDENTIALITY, ENSURE DUE PROCESS OF LAW, OR ASSIST IN THE
20 PRESENTATION OF THE DEFENSE.

21 (D) (1) COURTS SHALL ONLY APPOINT CERTIFIED LANGUAGE
22 INTERPRETERS WHO SATISFY THE CERTIFICATION STANDARDS UTILIZED BY THE
23 ADMINISTRATIVE OFFICE OF THE COURTS.

24 (2) FOR THOSE LANGUAGES FOR WHICH NO CERTIFICATION
25 STANDARDS EXIST, THE ADMINISTRATIVE OFFICE OF THE COURTS SHALL ADOPT
26 THE FEDERAL COURT INTERPRETER STANDARDS FOR "PROFESSIONALLY
27 QUALIFIED" INTERPRETERS.

28 [(b)] (E) The court shall give an interpreter appointed under this section:

29 (1) compensation for services in an amount equal to that provided for
30 interpreters of languages other than English; and

31 (2) reimbursement for actual and necessary expenses incurred in the
32 performance of services.

33 (F) THE ADMINISTRATIVE OFFICE OF THE COURTS SHALL ENSURE THAT ALL
34 COURTS IN MARYLAND TRANSLATE DOCUMENTS INTO LANGUAGES OTHER THAN
35 ENGLISH AS NEEDED TO ENSURE DUE PROCESS OF LAW, INCLUDING:

1 (1) TRANSLATION OF ALL SUBPOENAS, SUMMONS, AND WRITS INTO ANY
2 LANGUAGE SPOKEN BY 3% OF EITHER THE STATE POPULATION OR THE POPULATION
3 WITHIN THE GEOGRAPHIC JURISDICTION OF A COURTHOUSE; AND

4 (2) TRANSLATION OF IMPORTANT COURT FORMS AND INSTRUCTIONAL
5 MATERIALS IN ANY LANGUAGE SPOKEN BY 3% OF EITHER THE STATE POPULATION
6 OR THE POPULATION WITHIN THE GEOGRAPHIC JURISDICTION OF A COURTHOUSE.

7 **Article - Courts and Judicial Proceedings**

8 9-114.

9 (A) THE GENERAL ASSEMBLY FINDS THAT:

10 (1) THE INABILITY TO SPEAK AND UNDERSTAND THE ENGLISH
11 LANGUAGE IS A BARRIER THAT PREVENTS ACCESS TO THE STATE'S JUSTICE SYSTEM
12 AND THE STATE SHOULD TAKE ACTIONS NECESSARY TO REMOVE THAT BARRIER;
13 AND

14 (2) COURTS SHOULD ESTABLISH PROCEDURES TO PROVIDE EQUAL
15 ACCESS TO SERVICES REGARDLESS OF LANGUAGE CAPACITY.

16 [(a)] (B) If a party or witness is deaf or cannot readily understand or
17 communicate the spoken English language, any party may apply to the court for the
18 appointment of a qualified interpreter to assist that person. Upon the application of
19 any party or witness who [is deaf] CANNOT READILY UNDERSTAND OR
20 COMMUNICATE THE SPOKEN ENGLISH LANGUAGE, the court shall appoint a qualified
21 interpreter to assist that person. The court shall maintain a directory of interpreters
22 [for manual communication and/or oral interpretation] to assist [deaf persons]
23 PARTIES OR WITNESSES WHO CANNOT READILY UNDERSTAND OR COMMUNICATE
24 THE SPOKEN ENGLISH LANGUAGE.

25 (C) THE APPOINTMENT REQUIRED UNDER SUBSECTION (A) OF THIS SECTION
26 SHALL INCLUDE MORE THAN ONE INTERPRETER WHEN NECESSARY TO PROTECT
27 CLIENT CONFIDENTIALITY, ENSURE DUE PROCESS OF LAW, OR ASSIST IN THE
28 PRESENTATION OF THE CASE.

29 (D) (1) COURTS SHALL ONLY APPOINT CERTIFIED LANGUAGE
30 INTERPRETERS WHO SATISFY THE CERTIFICATION STANDARDS UTILIZED BY THE
31 ADMINISTRATIVE OFFICE OF THE COURTS.

32 (2) FOR THOSE LANGUAGES FOR WHICH NO CERTIFICATION
33 STANDARDS EXIST, THE ADMINISTRATIVE OFFICE OF THE COURTS SHALL ADOPT
34 THE FEDERAL COURT INTERPRETER STANDARDS FOR "PROFESSIONALLY
35 QUALIFIED" INTERPRETERS.

36 [(b)] (E) Any interpreter appointed pursuant to this section shall be allowed
37 compensation the court deems reasonable. It is discretionary with the court, in
38 accordance with the provisions of the federal Americans with Disabilities Act, to tax,
39 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 (F) THE ADMINISTRATIVE OFFICE OF THE COURTS SHALL ENSURE THAT ALL
4 COURTS IN MARYLAND TRANSLATE DOCUMENTS INTO LANGUAGES OTHER THAN
5 ENGLISH AS NEEDED TO ENSURE DUE PROCESS OF LAW, INCLUDING:

6 (1) TRANSLATION OF ALL SUBPOENAS, SUMMONS, AND WRITS INTO ANY
7 LANGUAGE SPOKEN BY 3% OF EITHER THE STATE POPULATION OR THE POPULATION
8 WITHIN THE GEOGRAPHIC JURISDICTION OF A COURTHOUSE; AND

9 (2) TRANSLATION OF IMPORTANT COURT FORMS AND INSTRUCTIONAL
10 MATERIALS IN ANY LANGUAGE SPOKEN BY 3% OF EITHER THE STATE POPULATION
11 OR THE POPULATION WITHIN THE GEOGRAPHIC JURISDICTION OF A COURTHOUSE.

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 2001.