

HOUSE BILL 320

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2002 Regular Session  
2lr0996

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By: **Chairman, Judiciary Committee (Maryland Judicial Conference) and  
Delegates Montague, Barkley, Clagett, Boschert, Cole, Dembrow,  
Giannetti, Gladden, Grosfeld, Mandel, Menes, Patterson, Petzold,  
Valderrama, and Zirkin**

Introduced and read first time: January 24, 2002

Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Court Proceedings - Interpreters**

3 FOR the purpose of expanding the cases in which interpreters are required to be  
4 appointed for court proceedings; requiring the Administrative Office of the  
5 Courts to adopt a certain policy concerning compensation for interpreter  
6 services; providing for certain reimbursement for compensation of a court  
7 appointed interpreter; requiring an authorization in the State budget to the  
8 Judiciary Department to provide for certain interpreter services; providing for  
9 the effective date of this Act; and generally relating to the appointment of  
10 interpreters for court proceedings.

11 BY repealing and reenacting, with amendments,  
12 Article - Courts and Judicial Proceedings  
13 Section 2-511  
14 Annotated Code of Maryland  
15 (1998 Replacement Volume and 2001 Supplement)

16 BY repealing  
17 Article - Courts and Judicial Proceedings  
18 Section 9-114  
19 Annotated Code of Maryland  
20 (1998 Replacement Volume and 2001 Supplement)

21 BY repealing  
22 Article - Criminal Procedure  
23 Section 1-202 and 3-103  
24 Annotated Code of Maryland  
25 (2001 Volume)

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

3 **Article - Courts and Judicial Proceedings**

4 [2-511.] 1-103.

5 (A) A COURT SHALL APPOINT A QUALIFIED INTERPRETER:

6 (1) IF A PARTY OR WITNESS PARTICIPATING IN A CIVIL OR CRIMINAL  
7 PROCEEDING BEFORE THE COURT IS UNABLE TO COMMUNICATE IN ENGLISH; OR

8 (2) AS OTHERWISE REQUIRED UNDER THE FEDERAL AMERICANS WITH  
9 DISABILITIES ACT OF 1990.

10 (B) COMPENSATION FOR INTERPRETER SERVICES SHALL BE PAID IN  
11 ACCORDANCE WITH THE POLICY ADOPTED BY THE ADMINISTRATIVE OFFICE OF THE  
12 COURTS, INCLUDING A RANGE OF COMPENSATION AND PROCEDURES FOR  
13 REIMBURSEMENT OF COUNTIES FOR PAYMENTS MADE ON BEHALF OF THE CIRCUIT  
14 COURTS.

15 (C) There shall be included in the State budget for the Judiciary Department  
16 of Maryland beginning in fiscal year [2000] 2004, an authorization to the  
17 [Administrative Office of the Courts] JUDICIARY DEPARTMENT in the total amount  
18 necessary to provide interpreter services required [to be provided by] UNDER THIS  
19 SECTION OR federal [or State] law in a [circuit court] proceeding.

20 [9-114.

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

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

33 **Article - Criminal Procedure**

34 [1-202.

35 (a) The court shall appoint a qualified interpreter to help a defendant in a  
36 criminal proceeding throughout any criminal proceeding when the defendant is:

1 (1) deaf; or

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

4 (b) The court shall give an interpreter appointed under this section:

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

7 (2) reimbursement for actual and necessary expenses incurred in the  
8 performance of services.]

9 [3-103.

10 (a) The court shall appoint a qualified interpreter to help a defendant  
11 throughout any court proceedings under this title when the defendant is:

12 (1) deaf; or

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

15 (b) The court shall give an interpreter appointed under this section:

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

18 (2) reimbursement for actual and necessary expenses incurred in the  
19 performance of services.]

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take  
21 effect June 30, 2003.