

SENATE BILL 6

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HB 862/01 - JUD

2002 Regular Session
2lr0541

(PRE-FILED)

By: **Senator Mooney**
Requested: September 25, 2001
Introduced and read first time: January 9, 2002
Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

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

3 FOR the purpose of requiring the courts to appoint more than one interpreter in a
4 criminal or juvenile delinquency proceeding under certain circumstances;
5 requiring the appointment of an interpreter in a juvenile delinquency
6 proceeding under certain circumstances; requiring the Chief Judge of the Court
7 of Appeals, in conjunction with the administrative judges of the circuit courts,
8 the Standing Committee on Rules of Practice and Procedure, and the Chief
9 Judge of the District Court, to prepare a certain report and develop a certain
10 plan for the use of certain interpreters and for the translation of certain forms
11 and documents; requiring a certain report to be submitted to the General
12 Assembly on or before a certain date; and generally relating to access to the
13 justice system by persons with language barriers.

14 BY repealing and reenacting, with amendments,
15 Article - Criminal Procedure
16 Section 1-202
17 Annotated Code of Maryland
18 (2001 Volume)

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

21 **Article - Criminal Procedure**

22 1-202.

23 (a) The court shall appoint a qualified interpreter to help a defendant OR
24 CHILD RESPONDENT in a criminal OR JUVENILE DELINQUENCY proceeding
25 throughout any criminal OR JUVENILE DELINQUENCY proceeding when the
26 defendant OR CHILD RESPONDENT is:

27 (1) deaf; or

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

4 (B) THE APPOINTMENT REQUIRED UNDER SUBSECTION (A) OF THIS SECTION
5 SHALL INCLUDE MORE THAN ONE INTERPRETER WHEN NECESSARY TO PROTECT
6 CLIENT CONFIDENTIALITY, UNLESS THE PARTIES CONSENT TO THE USE OF ONE
7 INTERPRETER.

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

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

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

13 SECTION 2. AND BE IT FURTHER ENACTED, That:

14 (a) The Chief Judge of the Court of Appeals, in conjunction with the
15 administrative judges of the circuit courts, the Standing Committee on Rules of
16 Practice and Procedure, and the Chief Judge of the District Court of Maryland, shall
17 prepare a report on contacts and benchmarks and develop a plan for the expedited
18 implementation of the use of capable interpreters in criminal, juvenile, and civil
19 proceedings.

20 (b) Before adopting a plan, the parties shall consider:

21 (1) whether and how to certify interpreters;

22 (2) the process for translating court forms and documents to ensure due
23 process of law; and

24 (3) the appointment of multiple interpreters when necessary to protect
25 client confidentiality.

26 (c) The Chief Judge of the Court of Appeals may consult with representatives
27 of appropriate bar associations in the preparation of the reports required under this
28 Act.

29 SECTION 3. AND BE IT FURTHER ENACTED, That the Chief Judge of the
30 Court of Appeals shall report to the General Assembly of Maryland on or before
31 December 15, 2002, and on December 15 of each year thereafter, in accordance with §
32 2-1246 of the State Government Article, on the implementation plan described in
33 Section 2 this Act and on the progress toward meeting the benchmarks and other
34 requirements in the implementation plan until the plan is fully implemented.

35 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
36 October 1, 2002.