

Department of Legislative Services
 Maryland General Assembly
 2002 Session

FISCAL NOTE

House Bill 320 (Chairman, Judiciary Committee, *et al.*)
 (Maryland Judicial Conference)

Judiciary

Court Proceedings - Interpreters

This bill requires a court to appoint a qualified interpreter: (1) if a party or witness participating in a civil or criminal proceeding before the court is unable to communicate in English; or (2) as otherwise required by the federal Americans with Disabilities Act. The bill requires that compensation for interpreter services be paid according to the policy adopted by the Administrative Office of the Courts, including reimbursements to counties for interpreter use in circuit courts. The bill also requires that, beginning in fiscal 2004, the State budget include an authorization to the Judiciary to cover the interpreter services.

The bill takes effect June 30, 2003.

Fiscal Summary

State Effect: The Governor’s proposed FY 2003 budget includes \$376,700 in general funds in anticipation of this bill. Future years reflect inflation and annual increases in interpreter use of approximately 11%.

(in dollars)	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	376,700	421,900	472,600	529,300	592,800
Net Effect	(\$376,700)	(\$421,900)	(\$472,600)	(\$529,300)	(\$592,800)

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect

Local Effect: The bill’s addition of mandatory interpreters in circuit court proceedings, to be paid ultimately by the Administrative Office of the Courts, is not expected to have a significant net impact on local finances.

Small Business Effect: Potential minimal.

Analysis

Current Law: In a criminal proceeding, a qualified interpreter must be appointed to assist a defendant who is deaf or does not speak English. The District Court of Maryland pays for interpreters in criminal proceedings in District Court; the Administrative Office of the Courts (AOC) pays for interpreters in criminal proceedings in circuit courts.

In a civil proceeding, a qualified interpreter must be appointed to assist a party or witness who is deaf or does not speak English, upon the application of any party for an interpreter for that person. The court has discretion to tax, as part of the costs of the case, amounts paid to an interpreter for services and expenses. Otherwise, by law, the amount must be paid by the county where the proceedings were initiated.

The State budget for the Judiciary Department of Maryland, beginning in fiscal 2000, must include an authorization to the AOC in the total amount necessary to provide interpreter services as required under federal or State law in a circuit court proceeding.

Background: The Court Interpreters Committee held several meetings over the past year and, as a result of those meetings, concluded that court interpreter services should be provided and funded by the State in civil proceedings. This bill is a result of that conclusion.

Pursuant to a 1995 administrative order issued by then Chief Judge of the Court of Appeals, Robert Murphy, interpreters seeking work in the Maryland courts must meet certain minimum qualification standards, including passing an approved certification examination when available. The AOC advises that, of the approximately 263 Spanish interpreters listed on the Maryland Court Interpreter Registry, only 48 have passed the requisite examination and are considered certified. The AOC further advises that in June 2001 it administered tests (through the Consortium for State Court Interpreters) in Cantonese, Korean, Vietnamese, and Russian in order to expand the list of certified (as opposed to “qualified”) interpreters; no one passed the Cantonese, Korean, or Vietnamese exams, and only two people passed the Russian examination.

In December 1999, The Public Justice Center and CASA of Maryland, in conjunction with the University of Maryland School of Law Latino Law Students Association, released a report indicating that language barriers pose a significant problem for the low-income Latino community in access to the courts, the criminal justice system, and legal

representation. The report also stated that the Latino community in Maryland has grown at a rate five times faster than the average growth rate for the State's overall population. In a report released August 30, 2000, the U.S. Census Bureau stated that Asians and Pacific Islanders represent 4% of the Maryland population, a nearly 50% increase from 1990 figures. The Census Bureau projected that, by 2005, the Asian and Pacific Islander population in Maryland would increase by 16.6% and the Latino population would increase by 20.6%, while the total Maryland population would only increase by 5.7%.

State Expenditures: The District Court of Maryland already uses court interpreters in both civil and criminal proceedings. The District Court spent \$648,000 in fiscal 2000 and \$725,200 in fiscal 2001 on interpreters. The fiscal 2002 budget is \$962,200. The percentage increase was higher in 2002 because the AOC included more languages in its certification program; thus, more interpreters were required to be certified (and paid at a higher rate) under Judge Murphy's administrative order. The Governor's proposed fiscal 2003 budget includes \$1.1 million for interpreters in the District Courts, \$51,734 of which is in anticipation of this bill.

Since July 1, 1999, the AOC has paid for court interpreters in criminal proceedings in the circuit courts. In fiscal 2000 these costs were \$244,310. These costs were \$287,260 for fiscal 2001. The fiscal 2002 budget for court interpreter use in circuit court criminal proceedings is \$299,000.

The AOC does not currently pay for interpreters in circuit court civil proceedings. As a result of the Court Interpreter Committee recommendations, the AOC included an additional \$325,000 in its fiscal 2003 budget request to pay for interpreters in civil proceedings. This was based upon its fiscal 2002 budget for interpreters in criminal proceedings, plus a 5% increase and a payment schedule that increases the rate for certified interpreters. The Governor's fiscal 2003 budget includes a total of \$650,000 for use of interpreters in all circuit court proceedings.

The costs for court interpreters have risen annually in the District Court and in circuit court criminal proceedings at an approximate rate of 11% (excluding outliers) since fiscal 2000. Future year general fund expenditures therefore reflect increases at the rate of 11% plus inflation at 1%. These figures may vary based upon the AOC's ability to test and certify more interpreters (causing pay rates to increase accordingly). They may also vary based upon the AOC's overall ability to meet the future demand for qualified interpreters if the non-English speaking population in the State increases at the rates predicted by the U.S. Census Bureau.

Small Business Effect: Small businesses that provide translation services could receive additional business as a result of the bill.

Additional Comments: Senate Bill 6, introduced in 2002 and assigned to the Judicial Proceedings Committee, requires the use of court interpreters in juvenile proceedings and use of more than one interpreter in circuit court criminal and juvenile proceedings when necessary to protect client confidentiality.

Additional Information

Prior Introductions: This bill is similar to HB 862 introduced in the 2001 session. HB 862 passed the House with amendments and was scheduled for a hearing in the Senate Judicial Proceedings Committee, but no further action was taken.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts), Department of Legislative Services

Fiscal Note History: First Reader - January 29, 2002
ncs/cer

Analysis by: Debra A. Dickstein

Direct Inquiries to:
John Rixey, Coordinating Analyst
(410) 946-5510
(301) 970-5510