

HOUSE BILL 1102

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9lr0453

By: **Delegates Norman, McDonough, Boteler, Dwyer, Eckardt, George, Jennings, Krebs, McComas, Schuh, Smigiel, Sossi, and Stocksdale**
Introduced and read first time: February 13, 2009
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Court Costs – Payment for Foreign Language**
3 **Interpreter**

4 FOR the purpose of altering the definition of “costs” in a criminal case to include a
5 certain amount for services and expenses paid to a foreign language interpreter
6 appointed for a defendant; authorizing a court to charge a defendant who is
7 found guilty of a crime and who was appointed a foreign language interpreter
8 during the prosecution of the case with certain costs for the services and
9 expenses of the interpreter; making stylistic changes; and generally relating to
10 the payment for a foreign language interpreter in a criminal case.

11 BY repealing and reenacting, with amendments,
12 Article – Courts and Judicial Proceedings
13 Section 7–501, 7–502, and 9–114
14 Annotated Code of Maryland
15 (2006 Replacement Volume and 2008 Supplement)

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

18 **Article – Courts and Judicial Proceedings**

19 7–501.

20 (a) In this subtitle the following words have the meanings indicated.

21 (b) (1) “Costs” means the cost of prosecuting a person for a crime.

22 (2) **“COSTS” INCLUDES THE AMOUNT PAID TO A FOREIGN**
23 **LANGUAGE INTERPRETER APPOINTED UNDER § 9–114 OF THIS ARTICLE FOR A**
24 **DEFENDANT FOR:**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1 (I) COMPENSATION FOR SERVICES; AND

2 (II) REIMBURSEMENT FOR ACTUAL AND NECESSARY
3 EXPENSES INCURRED IN THE PERFORMANCE OF SERVICES.

4 (c) (1) "Crime" means any act or omission for which a statute or
5 ordinance imposes a fine or imprisonment.

6 (2) "Crime" does not include a municipal infraction under Article 23A,
7 § 3 of the Code.

8 (d) (1) "Fine" means the monetary penalty prescribed by a statute or
9 ordinance for a crime.

10 (2) "Fine" does not include costs.

11 7-502.

12 (A) [A] SUBJECT TO SUBSECTION (B) OF THIS SECTION, A person who is
13 found guilty of a crime shall be liable for the costs of the person's prosecution.

14 (B) UNLESS THE COURT ORDERS OTHERWISE, A PERSON WHO IS FOUND
15 GUILTY OF A CRIME AND WHO WAS APPOINTED A QUALIFIED FOREIGN
16 LANGUAGE INTERPRETER UNDER § 9-114 OF THIS ARTICLE DURING THE
17 PROSECUTION OF THE CASE SHALL BE ASSESSED WITH THE COSTS FOR THE
18 SERVICES AND EXPENSES OF THE INTERPRETER.

19 9-114.

20 (a) (1) If a party or witness is deaf or cannot readily understand or
21 communicate the spoken English language, any party may apply to the court for the
22 appointment of a qualified interpreter to assist that person.

23 (2) Upon the application of any party or witness who is deaf the court
24 shall appoint a qualified interpreter to assist that person.

25 (3) The court shall maintain a directory of interpreters for manual
26 communication and/or oral interpretation to assist deaf persons.

27 (b) (1) [Any] AN interpreter appointed pursuant to this section shall be
28 allowed compensation the court deems reasonable.

29 (2) (I) [It is discretionary with] SUBJECT TO SUBPARAGRAPH
30 (II) OF THIS PARAGRAPH, the court MAY, in accordance with the provisions of the

1 federal Americans with Disabilities Act, [to] tax, as part of the costs of the case,
2 [amounts] **THE AMOUNT** paid to an interpreter for services and expenses.

3 **(II) IN A CRIMINAL CASE IN WHICH A DEFENDANT IS FOUND**
4 **GUILTY OF A CRIME, UNLESS THE COURT ORDERS OTHERWISE, IT SHALL**
5 **CHARGE THE DEFENDANT WHO HAS BEEN APPOINTED A FOREIGN LANGUAGE**
6 **INTERPRETER WITH THE PART OF THE COSTS FOR THE SERVICES AND**
7 **EXPENSES OF THE INTERPRETER.**

8 **(3) [Otherwise] OTHERWISE,** the amount **FOR SERVICES AND**
9 **EXPENSES OF AN INTERPRETER** shall be paid by the county where the proceedings
10 were initiated.

11 **SECTION 2. AND BE IT FURTHER ENACTED,** That this Act shall take effect
12 October 1, 2009.