

HOUSE BILL 703

D1

2lr2101

By: **Delegates Norman, Eckardt, Elliott, Frank, Kipke, McComas, McDermott, W. Miller, and Stocksdales**

Introduced and read first time: February 8, 2012

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Courts – Foreign Language Interpreters – Assessment of Costs**

3 FOR the purpose of requiring a court to conduct a certain assessment if a party in a
4 case was appointed a foreign language interpreter; establishing an exception to
5 the requirement if a criminal defendant who was appointed a foreign language
6 interpreter was represented by the Office of the Public Defender; exempting a
7 party who meets certain thresholds from being assessed the costs of a foreign
8 language interpreter; making stylistic changes; and generally relating to the
9 assessment of costs for a foreign language interpreter.

10 BY repealing and reenacting, with amendments,
11 Article – Courts and Judicial Proceedings
12 Section 9–114
13 Annotated Code of Maryland
14 (2006 Replacement Volume and 2011 Supplement)

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

17 **Article – Courts and Judicial Proceedings**

18 9–114.

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

(2) [It] **SUBJECT TO SUBSECTION (C) OF THIS SECTION**, IT is discretionary with the court, in accordance with the provisions of the federal Americans with Disabilities Act, to tax, as part of the costs of the case, amounts paid to an interpreter for services and expenses.

(3) [Otherwise] **UNLESS OTHERWISE ORDERED BY THE COURT**, the amount shall be paid by the county where the proceedings were initiated.

(c) (1) **EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, IF A PARTY IN A CASE WAS APPOINTED A FOREIGN LANGUAGE INTERPRETER, THE COURT SHALL CONDUCT AN ASSESSMENT AT THE CONCLUSION OF THE PROCEEDING TO DETERMINE WHETHER THE PARTY SHALL BE RESPONSIBLE FOR THE COSTS FOR THE SERVICES AND EXPENSES OF THE INTERPRETER.**

(2) **NO ASSESSMENT IS REQUIRED IF THE PARTY WHO WAS APPOINTED A FOREIGN LANGUAGE INTERPRETER WAS A CRIMINAL DEFENDANT WHO WAS REPRESENTED BY THE OFFICE OF THE PUBLIC DEFENDER.**

(3) **IN CONDUCTING ITS ASSESSMENT, THE COURT SHALL CONSIDER:**

(I) **THE NATURE, EXTENT, AND LIQUIDITY OF THE PARTY'S ASSETS;**

(II) **THE DISPOSABLE NET INCOME OF THE PARTY;**

(III) **THE NATURE OF THE CASE; AND**

(IV) **THE LENGTH AND COMPLEXITY OF THE PROCEEDINGS.**

(4) **A COURT MAY NOT REQUIRE A PARTY WHOSE ASSETS AND NET ANNUAL INCOME ARE LESS THAN 100 PERCENT OF THE FEDERAL POVERTY GUIDELINES TO PAY FOR THE SERVICES AND EXPENSES OF A FOREIGN LANGUAGE INTERPRETER.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2012.