

HOUSE BILL 1148

D1, E2

2lr1531

By: **Delegates Lee, Pena–Melnyk, Gutierrez, Arora, Cane, Carr, Conaway, Cullison, DeBoy, Dumais, Elliott, Glenn, Healey, Jameson, A. Kelly, Luedtke, A. Miller, Nathan–Pulliam, B. Robinson, S. Robinson, Stocksdale, and Valderrama**

Introduced and read first time: February 10, 2012

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 17, 2012

CHAPTER _____

1 AN ACT concerning

2 **Courts – Victims of Crime – Interpreters**

3 FOR the purpose of altering certain requirements relating to the use of an interpreter
4 in court to include the appointment of an interpreter for a victim or victim’s
5 representative who is deaf or cannot readily understand or communicate the
6 spoken English language; authorizing a victim or victim’s representative to
7 apply for appointment of a certain interpreter; making conforming changes;
8 making a certain technical correction; and generally relating to interpreters in
9 court proceedings.

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

15 BY repealing and reenacting, with amendments,
16 Article – Criminal Procedure
17 Section 1–202 and 3–103
18 Annotated Code of Maryland
19 (2008 Replacement Volume and 2011 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 BY repealing and reenacting, without amendments,
 2 Article – Criminal Procedure
 3 Section 11–104(a)
 4 Annotated Code of Maryland
 5 (2008 Replacement Volume and 2011 Supplement)

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

8 **Article – Courts and Judicial Proceedings**

9 9–114.

10 (a) **(1)** If a party [or], A witness, **OR A VICTIM OR VICTIM’S**
 11 **REPRESENTATIVE, AS DEFINED IN § 11–104(A) OF THE CRIMINAL PROCEDURE**
 12 **ARTICLE**, is deaf or cannot readily understand or communicate the spoken English
 13 language, any party **OR A VICTIM OR VICTIM’S REPRESENTATIVE** may apply to the
 14 court for the appointment of a qualified interpreter to assist that person.

15 **(2)** [Upon the application of any party or witness who is deaf] **ON**
 16 **RECEIVING THE APPLICATION UNDER PARAGRAPH (1) OF THIS SUBSECTION**, the
 17 court shall appoint a qualified interpreter to assist that person.

18 **(3)** The court shall maintain a directory of interpreters for manual
 19 communication [and/or] **OR** oral interpretation to assist deaf persons **OR PERSONS**
 20 **WHO CANNOT READILY UNDERSTAND OR COMMUNICATE THE SPOKEN ENGLISH**
 21 **LANGUAGE**.

22 **Article – Criminal Procedure**

23 1–202.

24 (a) **(1)** The court shall appoint a qualified interpreter to help a defendant
 25 in a criminal proceeding throughout any criminal proceeding when the defendant [is]:

26 [(1) (I) IS deaf; or

27 [(2) (II) cannot readily understand or communicate the English
 28 language and cannot understand a charge made against the defendant or help present
 29 the defense.

30 **(2)** **ON APPLICATION OF A VICTIM OR VICTIM’S REPRESENTATIVE,**
 31 **AS DEFINED IN § 11–104(A) OF THIS ARTICLE, THE COURT SHALL APPOINT A**
 32 **QUALIFIED INTERPRETER TO HELP THE VICTIM OR THE VICTIM’S**

1 REPRESENTATIVE THROUGHOUT ANY CRIMINAL PROCEEDING WHEN THE
2 VICTIM OR THE VICTIM'S REPRESENTATIVE:

3 (I) IS DEAF; OR

4 (II) CANNOT READILY UNDERSTAND OR COMMUNICATE THE
5 ENGLISH LANGUAGE.

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

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

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

11 3-103.

12 (a) (1) The court shall appoint a qualified interpreter to help a defendant
13 throughout any court proceedings under this title when the defendant [is]:

14 [(1)] (I) IS deaf; or

15 [(2)] (II) cannot readily understand or communicate the English
16 language and cannot understand a charge made against the defendant or help present
17 the defense.

18 (2) ON APPLICATION OF A VICTIM OR VICTIM'S REPRESENTATIVE,
19 AS DEFINED IN § 11-104(A) OF THIS ARTICLE, THE COURT SHALL APPOINT A
20 QUALIFIED INTERPRETER TO HELP THE VICTIM OR THE VICTIM'S
21 REPRESENTATIVE THROUGHOUT ANY COURT PROCEEDING WHEN THE VICTIM
22 OR THE VICTIM'S REPRESENTATIVE:

23 (I) IS DEAF; OR

24 (II) CANNOT READILY UNDERSTAND OR COMMUNICATE THE
25 ENGLISH LANGUAGE.

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

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

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

1 11-104.

2 (a) (1) In this section the following words have the meanings indicated.

3 (2) "Victim" means a person who suffers actual or threatened physical,
4 emotional, or financial harm as a direct result of a crime or delinquent act.

5 (3) "Victim's representative" includes a family member or guardian of
6 a victim who is:

7 (i) a minor;

8 (ii) deceased; or

9 (iii) disabled.

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.