

3 Senate Bill No. 779
4 As Amended

5 SENATE BILL NO. 779 - By: LASTER of the Senate and MORGAN (Fred) of
6 the House.

7 [courts - State Board of Examiners of Certified Courtroom
8 Interpreters - membership requirements - codification -
9 effective date]

10 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

11 SECTION 1. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 1701 of Title 20, unless there
13 is created a duplication in numbering, reads as follows:

14 A. There is hereby created the State Board of Examiners of
15 Certified Courtroom Interpreters which shall consist of five (5)
16 members, four of whom shall be certified courtroom interpreters and
17 at least one of whom shall be certified in American Sign Language,
18 at least one of whom shall be certified in Spanish, and at least one
19 of whom shall be certified in Vietnamese. The Board shall also
20 consist of one member who shall be a licensed attorney or judge and
21 who shall not be required to be a certified courtroom interpreter or
22 translator. The members shall be persons who have been, for at
23 least two (2) years prior to their appointment to the Board,
24 residents of this state and, except for the attorney or judge
25 member, certified courtroom interpreters. All members shall be

1 appointed by the Chief Justice of the Supreme Court and shall serve
2 in staggered terms, each for a period of five (5) years except for
3 the initial appointees who shall serve terms pursuant to subsection
4 B of this section. No member may serve more than two terms in
5 succession. The Board shall elect from its membership a chair and a
6 secretary. Three members shall constitute a quorum. The Board may
7 adopt a seal for its official use. All actions of the Board shall
8 be supervised by the Supreme Court and be subjected to approval by
9 the Court. All members shall be required to maintain their
10 certification during their time on the Board.

11 B. The initial members of the Board shall serve as follows:

12 1. The members constituting the initial Board under this act
13 shall be certified as a courtroom interpreter or translator in
14 another state or under the federal system until obtaining, during
15 their first year of service, certification in this state; and

16 2. The initial appointees shall serve for staggered terms: one
17 member shall serve for one (1) year, one member shall serve for two
18 (2) years, one member shall serve for three (3) years, one member
19 shall serve for four (4) years, and one member shall serve for five
20 (5) years. Thereafter, all terms shall be for five (5) years.

21 SECTION 2. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 1702 of Title 20, unless there
23 is created a duplication in numbering, reads as follows:

1 A. The State Board of Examiners of Certified Courtroom
2 Interpreters shall:

3 1. Determine and establish levels of interpreter or translator
4 certifications and specialization certificates to meet the needs of
5 a variety of court proceedings, as the Board deems necessary and
6 appropriate;

7 2. Conduct preliminary investigations to determine the
8 qualifications of applicants seeking to attain the status of
9 certified courtroom interpreter or translator;

10 3. Conduct at least once a year, at a place and time to be
11 published by reasonable notice as directed by the Supreme Court, an
12 examination of those persons who seek to attain the status of
13 certified courtroom interpreter or translator, or contract for such
14 examination. The Board shall also include an examination of
15 interpreter or translator ethics as a condition of attaining the
16 status of certified courtroom interpreter or translator;

17 4. Recommend to the Supreme Court for official enrollment as
18 certified courtroom interpreter or translator those persons who, on
19 their examination, have established the requisite proficiency as set
20 forth in Section 3 of this act;

21 5. Conduct proceedings, on reasonable notice, the object of
22 which are to recommend to the Supreme Court the suspension,
23 cancellation, revocation, or reinstatement of the enrollment of a

1 certified courtroom interpreter or translator or of the status of
2 any acting courtroom interpreter or translator, regular or
3 temporary, on the following grounds:

- 4 a. a final conviction of a criminal offense involving
5 moral turpitude,
- 6 b. misrepresentation in obtaining licensure,
- 7 c. any violation of or noncompliance with any rule or
8 directive of the Supreme Court,
- 9 d. fraud, gross incompetence, or gross or habitual
10 neglect of duty,
- 11 e. engaging in the practice of courtroom interpreting or
12 translating using a method for which the interpreter
13 or translator is not certified,
- 14 f. engaging in the practice of courtroom interpreting or
15 translating while certification is suspended,
- 16 g. nonpayment of renewal dues, or
- 17 h. failure to annually complete at least eight (8) hours
18 of continuing education approved by the State Board of
19 Examiners of Courtroom Interpreters;

20 6. Adopt, with the approval of the Supreme Court, examination
21 standards and rules governing enrollment, discipline, suspension,
22 cancellation, and revocation proceedings and any other matter within
23 the Board's cognizance; and

1 7. Keep a current roll of certified courtroom interpreters and
2 a file on all disciplined certified courtroom interpreters, official
3 or unofficial, regular or temporary.

4 B. In all hearings or investigations on revocation,
5 cancellation, or suspension of enrollment, each Board member shall
6 be empowered to administer oaths or affirmations, subpoena
7 witnesses, and take evidence anywhere in the state, after giving
8 reasonable notice to the party whose status is sought to be
9 affected.

10 SECTION 3. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 1703 of Title 20, unless there
12 is created a duplication in numbering, reads as follows:

13 A. Every applicant who seeks to be examined for enrollment as a
14 certified courtroom interpreter or translator shall prove to the
15 satisfaction of the State Board of Examiners of Courtroom
16 Interpreters that he or she:

17 1. Is of legal age;
18 2. Meets the requisite standards of ethical fitness as
19 established by the Board pursuant to the recommendation of the State
20 Ethics Commission; and

21 3. Has at least a high school education or its equivalent.

22 B. The examination for certification for the level for which
23 applied in one or more authorized methods or languages of courtroom

1 interpreting or translating shall consist of three parts, designated
2 as Part 1, Part 2, and Part 3 as follows:

3 1. Part 1 consists of proof of having passed the Oklahoma
4 Courtroom Interpreter Examination for the level for which the
5 individual has applied or an equivalent test as authorized by the
6 Supreme Court consisting of the following requirements:
7 demonstrated proficiency in interpreting or translating from the
8 source language to the target language at a level of at least eighty
9 percent (80%) proficiency, and demonstrated proficiency in
10 interpreting or translating from the target language to the source
11 language at a level of at least eighty percent (80%) proficiency.
12 This test shall include legal terminology and shall involve
13 scenarios related to courtroom interpreting or translating such as
14 opening statements, closing arguments, witness examinations, and
15 evidence translation;

16 2. Part 2 consists of a written exam of not less than twenty-
17 five multiple choice questions relating to the ethical
18 responsibilities of courtroom interpreters;

19 3. Part 3 is the Oklahoma Written Knowledge Test for Courtroom
20 Interpreters which consists of not less than twenty-five multiple
21 choice questions relating to Oklahoma law and court rules, duties of
22 courtroom interpreters, and general court procedure. The
23 examination shall be approved by the Supreme Court. A person who

1 has tested with the Board and successfully completed the written
2 knowledge portion of the examination shall be allowed to retain the
3 credit for that portion for one (1) year from the date passed, and
4 shall not be required to retake that portion during the one-year
5 period.

6 C. An applicant who is academically dishonest when taking any
7 authorized examination is disqualified and may not take the
8 examination again until five (5) years have elapsed from the date of
9 the examination at which the applicant is disqualified.

10 D. A certification issued under this section must be for one or
11 more of the following methods of courtroom interpreting or
12 translating:

- 13 1. Translation of written text;
- 14 2. Interpretation of spoken words; and/or
- 15 3. Any other method of interpreting or translating authorized
16 by the Supreme Court.

17 E. Effective January 1, 2006, no person may engage in courtroom
18 interpreting or translating unless the person is a certified
19 courtroom interpreter or translator or otherwise authorized by law
20 or the Supreme Court. Provided, however, nothing in this act shall
21 prevent a judge from appointing an interpreter or translator on an
22 ad hoc basis for a particular case/hearing in accordance with the
23 rules of the Board.

1 SECTION 4. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 1704 of Title 20, unless there
3 is created a duplication in numbering, reads as follows:

4 A. Every certified courtroom interpreter or translator and
5 every courtroom interpreter or translator temporarily employed by a
6 court of competent jurisdiction shall annually complete at least
7 eight (8) hours of continuing education approved by the State Board
8 of Examiners of Courtroom Interpreters, which shall include at least
9 two (2) hours which relate to Oklahoma court rules and procedures.

10 B. A certified courtroom interpreter or translator is exempt
11 from the requirement of subsection A of this section if the
12 interpreter or translator verifies under oath to the State Board of
13 Examiners of Certified Courtroom Interpreters that such person:

14 1. Is a member of the armed forces on full-time active duty
15 during the entire calendar year for which the interpreter or
16 translator seeks an exemption; or

17 2. Has provided written verification by a licensed physician
18 that a medical condition has prevented the court interpreter or
19 translator from working in such capacity and completing continuing
20 education for the calendar year for which the interpreter or
21 translator seeks an exemption.

1 SECTION 5. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 1705 of Title 20, unless there
3 is created a duplication in numbering, reads as follows:

4 A person holding a license from another state which is deemed by
5 the State Board of Examiners of Certified Courtroom Interpreters to
6 be equivalent to that of an Oklahoma certified courtroom interpreter
7 or translator may be enrolled without examination as an Oklahoma
8 certified courtroom interpreter or translator upon payment of fees
9 established by the Board, satisfying the Board that such person's
10 credentials are in proper order and that he or she is a resident of
11 Oklahoma. The court may utilize a person certified in another state
12 to serve as an interpreter or translator for a particular case
13 provided such person has registered in accordance with the rules of
14 the Board.

15 SECTION 6. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 1706 of Title 20, unless there
17 is created a duplication in numbering, reads as follows:

18 A person holding a license from a national entity which is
19 deemed by the State Board of Examiners of Certified Courtroom
20 Interpreters to be equivalent to that of an Oklahoma certified
21 courtroom interpreter or translator may be enrolled without
22 examination as an Oklahoma certified courtroom interpreter or

1 translator upon satisfying the Board that such person's credentials
2 are in proper order and that he or she is a resident of Oklahoma.

3 SECTION 7. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 1707 of Title 20, unless there
5 is created a duplication in numbering, reads as follows:

6 A. The State Board of Examiners of Certified Courtroom
7 Interpreters shall annually set and publish a fee schedule with
8 approval of the Supreme Court.

9 B. All fees authorized to be charged shall be paid to the Clerk
10 of the Supreme Court who shall deposit such fees in the State
11 Judicial Fund. The Chief Justice shall be authorized to draw
12 against the Supreme Court Revolving Fund such amounts as are
13 lawfully claimed by the Board for its necessary supplies and
14 expenses. When performing essential duties, each Board member shall
15 be entitled to such member's expenses pursuant to the State Travel
16 Reimbursement Act and shall receive, in addition thereto, the sum of
17 One Hundred Dollars (\$100.00) for each full day of service or a
18 fraction thereof for less than a day's service or any other amount
19 that is established by the Legislature.

20 SECTION 8. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 1708 of Title 20, unless there
22 is created a duplication in numbering, reads as follows:

1 Every person enrolled as a certified courtroom interpreter or
2 translator shall be entitled to use the abbreviation C.C.I. after
3 his or her name. Courtroom interpreters holding a temporary
4 certification shall not be allowed the use of the abbreviation.
5 Certified courtroom interpreters shall be authorized to interpret or
6 translate all proceedings related to the case to which he or she has
7 been assigned.

8 SECTION 9. NEW LAW A new section of law to be codified
9 in the Oklahoma Statutes as Section 1709 of Title 20, unless there
10 is created a duplication in numbering, reads as follows:

11 A. A courtroom interpreter or translator or owner of a
12 courtroom interpreter or translator firm shall not enter into any
13 contract or relationship that compromises the impartiality of
14 courtroom interpreters or that may result in the appearance that the
15 impartiality of a courtroom interpreter or translator has been
16 compromised.

17 B. A violation of this section shall be grounds for the State
18 Board of Examiners of Courtroom Interpreters to refuse to renew the
19 enrollment of a certified courtroom interpreter or translator. A
20 willful violation of this section shall be grounds for the Board to
21 suspend, cancel, or revoke the enrollment of a certified courtroom
22 interpreter or translator.

1 SECTION 10. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 1710 of Title 20, unless there
3 is created a duplication in numbering, reads as follows:

4 When good cause is shown and the court has determined that it
5 would not be practical, within a reasonable time frame, to secure
6 the services of an individual certified under this act, the court
7 may utilize the services of a non-certified person. For purposes of
8 this section, "good cause" means that due to the nature of the
9 hearing, and time being of the essence, the securing of a certified
10 interpreter or translator would not be possible due to the time,
11 distance, or availability of a certified interpreter or translator.
12 The court shall make a specific finding as to the good cause for the
13 emergency circumstances. In addition, the non-certified person
14 shall have reasonably demonstrated to the court and the parties such
15 person's proficiency for the purposes of that hearing. It is also
16 mandatory that the proceedings are audio taped, and in the event of
17 a hearing-impaired individual audio and video taped. The recording
18 shall be labeled and remain an official part of the record.

19 SECTION 11. This act shall become effective November 1, 2005.

20 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 2-23-05 - DO
21 PASS, As Amended and Coauthored.