HOUSE OF REPRESENTATIVES - FLOOR VERSION

STATE OF OKLAHOMA

1st Session of the 55th Legislature (2015)

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1100 By: Kannady

COMMITTEE SUBSTITUTE

An Act relating to courts; amending 20 O.S. 2011, Sections 1701, 1702, 1703, 1705, 1706, 1707 and 1708, which relate to courtroom interpreters and translators; allowing exception for State Board of Examiners of Certified Courtroom Interpreters member qualifications; striking limitation on serving two terms in succession; setting time limitation for Board member certification; authorizing Chief Justice to determine qualified members for initial Board; requiring approval of Supreme Court in establishing certifications; adding training programs; allowing programs to be contracted; including proficiency standards set by Board rules; modifying grounds for conduct proceedings; directing Administrative Office of the Courts to assist the Board; authorizing Supreme Court to promulgate rules for exams; specifying permissible standards to follow; permitting Board to use promulgated rules for exams; mandating exam to include interpreter ethics; allowing Board to conduct a criminal record check; clarifying type of check to be used; requiring applicant to furnish listed information to Board; empowering Board to charge fee approved by Supreme Court for the check; providing for Supreme Court approval of fees; removing residency requirement; authorizing Supreme Court to promulgate rules for courts when using database; permitting enrollment upon payment of fees; removing requirement to set and publish fee schedule annually; allowing Chief Justice

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to withdraw costs for program administration; empowering Supreme Court to promulgate rules for certification levels; authorizing use of certain abbreviation; specifying what duties interpreters can perform in court; and providing an effective date.

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

SECTION 1. AMENDATORY 20 O.S. 2011, Section 1701, is amended to read as follows:

Section 1701. A. There is hereby created the State Board of Examiners of Certified Courtroom Interpreters which shall consist of five (5) members~~, four of whom~~ <u>who shall meet the qualifications set forth in this section, unless otherwise authorized by the Supreme Court. Four of the board members</u> shall be certified courtroom interpreters ~~and~~<u>,</u> at least one of whom shall be a qualified interpreter as defined in Section 2408 of Title 63 of the Oklahoma Statutes, at least one of whom shall be certified in Spanish, and at least one of whom shall be certified in Vietnamese. The Board shall also consist of one member who shall be a licensed attorney or judge and who shall not be required to be a certified courtroom interpreter ~~or translator~~. The members shall be persons who have been, for at least two (2) years prior to their appointment to the Board, residents of this state and, except for the attorney or judge member, certified courtroom interpreters. All members shall be appointed by the Chief Justice of the Supreme Court and shall serve

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

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

1. The members constituting the initial Board under Sections 1701 through 1710 of this ~~act~~ title shall be certified as ~~a~~ courtroom ~~interpreter or translator~~ interpreters in another state or under the federal system, until obtaining~~, during their first year of service,~~ certification in this state within one (1) year from the date on which an Oklahoma certification first becomes available. In the alternative, the initial Board may be comprised of other qualified individuals as determined by the Chief Justice of the Oklahoma Supreme Court; and

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

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SECTION 2. AMENDATORY 20 O.S. 2011, Section 1702, is amended to read as follows:

Section 1702. A. The State Board of Examiners of Certified Courtroom Interpreters shall:

1. Determine and establish levels of interpreter ~~or translator~~ certifications and specialization certificates to meet the needs of a variety of court proceedings, as the Board deems necessary and appropriate and with the approval of the Supreme Court;

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

3. Conduct at least once a year, at a place and time to be published by reasonable notice as directed by the Supreme Court, ~~an examination~~ the examinations and training programs required of those persons who seek to attain ~~the status of certified~~ an Oklahoma courtroom interpreter ~~or translator~~ credential, or contract for such ~~examination~~ examinations and training programs. The Board shall also include an examination of interpreter ~~or translator~~ ethics as a condition of attaining the status of certified courtroom interpreter ~~or translator~~;

4. Recommend to the Supreme Court for official enrollment as certified courtroom ~~interpreter or translator~~ interpreters those persons who, on their examination, have established the requisite

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proficiency as set forth in the Board's rules and Section ~~3~~ 1703 of this ~~act~~ title;

5. Conduct proceedings, on reasonable notice, the object of which are to recommend to the Supreme Court the suspension, cancellation, revocation, or reinstatement of the enrollment of a certified courtroom interpreter ~~or translator or of the status of any acting courtroom interpreter or translator, regular or provisional,~~ on the following grounds:

a. a final conviction of a criminal offense involving moral turpitude,

b. misrepresentation in obtaining ~~licensure~~ certification or credential,

c. any violation of or noncompliance with any rule or directive of the Supreme Court, including but not limited to the Code of Professional Responsibility for Interpreters in the Oklahoma Courts,

d. fraud, gross incompetence, or gross or habitual neglect of duty,

e. misrepresentation of certification level or status while engaging in the practice of courtroom interpreting or translating ~~using a method for which the interpreter or translator is not certified~~ in an Oklahoma court,

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f. engaging in the practice of courtroom interpreting or translating in an Oklahoma court while certification is suspended,

g. nonpayment of renewal dues, or

h. failure to annually complete at least eight (8) hours of continuing education approved by the State Board of Examiners of Courtroom Interpreters;

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

7. Keep a current roll of certified courtroom interpreters and a file on all disciplined certified courtroom interpreters~~, official or unofficial, regular or provisional~~.

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

C. The Administrative Office of the Courts shall provide administrative support and assistance to the Board.

SECTION 3. AMENDATORY 20 O.S. 2011, Section 1703, is amended to read as follows:

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Section 1703. A. Every applicant who seeks to be examined for enrollment as a certified courtroom interpreter ~~or translator~~ shall prove to the satisfaction of the State Board of Examiners of Courtroom Interpreters that he or she:

1. Is of legal age;

2. Meets the requisite standards of ethical fitness as established by the Board pursuant to the recommendation of the State Ethics Commission; and

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

B. The examination for certification for the level for which applied in one or more authorized methods or languages of courtroom interpreting or translating shall consist of three parts, designated as Part 1, Part 2, and Part 3 as follows:

1. Part 1 consists of proof of having passed the Oklahoma Courtroom Interpreter Examination for the level for which the individual has applied or an equivalent test as authorized by the Supreme Court consisting of the following requirements: demonstrated proficiency in interpreting or translating from the source language to the target language at a level of at least eighty percent (80%) proficiency, and demonstrated proficiency in interpreting or translating from the target language to the source language at a level of at least eighty percent (80%) proficiency. This test shall include legal terminology and shall involve scenarios related to courtroom interpreting or translating such as

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opening statements, closing arguments, witness examinations, and evidence translation;

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

3. Part 3 is the Oklahoma Written Knowledge Test for Courtroom Interpreters which consists of not less than twenty-five multiple choice questions relating to Oklahoma law and court rules, duties of courtroom interpreters, and general court procedure. The examination shall be approved by the Supreme Court. A person who has tested with the Board and successfully completed the written knowledge portion of the examination shall be allowed to retain the credit for that portion for one (1) year from the date passed, and shall not be required to retake that portion during the one-year period.

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

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

1. Translation of written text;

2. Interpretation of spoken words; or

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3. Any other method of interpreting or translating authorized by the Supreme Court.

E. Effective January 1, 2006, no person may engage in courtroom interpreting or translating unless the person is a certified courtroom interpreter ~~or translator~~; provided, however, nothing shall preclude the Board from issuing provisional ~~certificates~~ credentials pursuant to its rules.

F. The Supreme Court may promulgate rules authorizing the use of oral and written interpreter examinations and establishing interpreter credentialing standards which are consistent with generally recognized state court interpreter certification standards, including but not limited to the standards developed or recognized by the National Center for State Courts (NCSC). Once promulgated by Supreme Court rule, the examination and credentialing requirements may be used by the Board in lieu of the examinations prescribed in subsection B of this section. The written examination shall include an examination of interpreter ethics as a condition of attaining the status of certified courtroom interpreter in the state.

G. In determining whether an applicant meets the requisite standards of ethical fitness as set forth in subsection A of this section, the Board is authorized to conduct a criminal history record check, including but not limited to a criminal history record check through the Oklahoma State Bureau of Investigation or a

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national criminal history record check through the Federal Bureau of Investigation pursuant to Section 150.9 of Title 74 of the Oklahoma Statutes. Applicants shall furnish all releases, authorizations, fingerprints, or other items necessary to enable the Board to conduct the criminal history record check. The Board shall charge the applicant a fee in an amount approved by the Supreme Court for the criminal history record check.

SECTION 4. AMENDATORY 20 O.S. 2011, Section 1705, is amended to read as follows:

Section 1705. A person holding a ~~license from another~~ state or federal certification which is deemed by the State Board of Examiners of Certified Courtroom Interpreters to be equivalent to that of an Oklahoma certified courtroom interpreter ~~or translator~~ may apply to be enrolled without examination as an Oklahoma certified courtroom interpreter ~~or translator~~ upon payment of fees established by the Board~~,~~ with the approval of the Supreme Court and satisfying the Board that such person's credentials are in proper order ~~and that he or she is a resident of Oklahoma~~. The court may utilize a person certified in another state to ~~serve as an interpreter or translator for~~ perform interpreting or translating in a particular case provided such person has registered in accordance with the rules of the Board, or as otherwise authorized by the Supreme Court. In addition, the Supreme Court may promulgate rules authorizing the courts to utilize interpreters listed on a

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nationally recognized database of certified courtroom interpreters, including but not limited to a registry of certified courtroom interpreters maintained by the National Center for State Courts, provided those interpreters hold certifications which are deemed by the Board to be equivalent to that of an Oklahoma certification.

SECTION 5. AMENDATORY 20 O.S. 2011, Section 1706, is amended to read as follows:

Section 1706. A person holding a ~~license~~ certification from a national entity which is deemed by the State Board of Examiners of Certified Courtroom Interpreters to be equivalent to that of an Oklahoma certified courtroom interpreter ~~or translator~~ may apply to be enrolled without examination as an Oklahoma certified courtroom interpreter ~~or translator~~ upon payment of fees established by the Board with the approval of the Supreme Court and satisfying the Board that such person's credentials are in proper order ~~and that he or she is a resident of Oklahoma~~.

SECTION 6. AMENDATORY 20 O.S. 2011, Section 1707, is amended to read as follows:

Section 1707. A. The State Board of Examiners of Certified Courtroom Interpreters shall ~~annually~~ periodically set and publish a fee schedule with approval of the Supreme Court.

B. All fees authorized to be charged shall be paid to the Clerk of the Supreme Court who shall deposit such fees in the State Judicial Fund. The Chief Justice shall be authorized to draw

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against the Supreme Court Revolving Fund such amounts as are lawfully claimed by the Board for its necessary supplies and expenses, and costs which are lawfully incurred by the Supreme Court for the administration of the interpreter credentialing and examination program. When performing essential duties, each Board member shall be entitled to such member's expenses pursuant to the State Travel Reimbursement Act and shall receive, in addition thereto, the sum of One Hundred Dollars ($100.00) for each full day of service or a fraction thereof for less than a day's service or any other amount that is established by the Legislature.

SECTION 7. AMENDATORY 20 O.S. 2011, Section 1708, is amended to read as follows:

Section 1708. The Supreme Court may promulgate rules authorizing the recognition of different levels of courtroom interpreter certifications in the Oklahoma courts, including the following: Certified Courtroom Interpreters and Registered Courtroom Interpreters. Every person enrolled as a certified courtroom interpreter ~~or translator~~ shall be entitled to use the abbreviation C.C.I. after his or her name. Every person enrolled as a registered courtroom interpreter shall be entitled to use the abbreviation R.C.I. after his or her name. Courtroom interpreters holding a provisional ~~certification~~ status do not hold an official certification and shall not be allowed the use of the abbreviation. Certified and registered courtroom interpreters shall be authorized

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to interpret ~~or~~ spoken words and translate written text in all proceedings related to the case to which he or she has been assigned.

SECTION 8. This act shall become effective November 1, 2015.

COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY AND CIVIL PROCEDURE, dated 02/17/2015 - DO PASS, As Amended.

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