

STATE OF OKLAHOMA

1st Session of the 55th Legislature (2015)

HOUSE BILL 1481

By: Wood

AS INTRODUCED

An Act relating to courts; amending 20 O.S. 2011, Sections 1701, 1702, 1703, 1705, 1706, 1707 and 1708, which relate to courtroom interpreters; modifying qualifications to serve on the initial State Board of Examiners of Certified Courtroom Interpreters; eliminating restriction on successive terms; modifying duties and powers of the Board; providing for administrative support and assistance for the Board; providing for promulgation of rules by the Supreme Court relating to examinations and credentialing standards; authorizing use of Supreme Court rules by the Board; providing for criminal history background check; authorizing charging of a fee for the background check; requiring Supreme Court approval of amount of fee; modifying procedure and requirements for recognition of state or federal certification from another jurisdiction; providing for Supreme Court rules pertaining to recognitions of certification from another jurisdiction; requiring Supreme Court approval of fees for enrollment of certified courtroom interpreters from other jurisdictions; modifying requirements for enrollment of persons holding certification from certain national entities; providing for payment of a fee established by the Board; requiring Supreme Court approval of fee; modifying requirements for publication of the Board's fee schedule; modifying purposes for which certain funds may be used; authorizing the Supreme Court to promulgate rules pertaining to different levels of certification; authorizing use of certain abbreviation by registered courtroom interpreters; modifying authority of certified and registered courtroom interpreters;

1 eliminating status of certified translator; and
2 providing an effective date.

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

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

8 Section 1701. A. There is hereby created the State Board of
9 Examiners of Certified Courtroom Interpreters which shall consist of
10 five (5) members, ~~four of whom~~ who shall meet the qualifications set
11 forth in this section, unless otherwise authorized by the Supreme
12 Court. Four of the Board members shall be certified courtroom
13 interpreters ~~and,~~ at least one of whom shall be a qualified legal
14 interpreter as defined in Section 2408 of Title 63 of the Oklahoma
15 Statutes, at least one of whom shall be certified in Spanish, and at
16 least one of whom shall be certified in Vietnamese. The Board shall
17 also consist of one member who shall be a licensed attorney or judge
18 and who shall not be required to be a certified courtroom
19 interpreter or translator. The members shall be persons who have
20 been, for at least two (2) years prior to their appointment to the
21 Board, residents of this state and, except for the attorney or judge
22 member, certified courtroom interpreters. All members shall be
23 appointed by the Chief Justice of the Supreme Court and shall serve
24 in staggered terms, each for a period of five (5) years except for

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

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

10 1. The members constituting the initial Board under this ~~act~~
11 section shall be certified as a courtroom interpreter ~~or translator~~
12 in another state or under the federal system until obtaining, ~~during~~
13 ~~their first year of service,~~ certification in this state, which
14 shall occur within one (1) year from the date on which an Oklahoma
15 certification first becomes available. In the alternative, the
16 initial Board may be comprised of other qualified individuals as
17 determined by the Chief Justice of the Supreme Court; and

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

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

1 Section 1702. A. The State Board of Examiners of Certified
2 Courtroom 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 and with the approval of the Supreme Court;

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~~ the examinations and training programs required of those
13 persons who seek to attain ~~the status of certified~~ an Oklahoma
14 courtroom interpreter ~~or translator~~ credential, or contract for such
15 ~~examination~~ examinations and training programs. The Board shall
16 also include an examination of interpreter ~~or translator~~ ethics as a
17 condition of attaining the status of certified courtroom interpreter
18 ~~or translator;~~

19 4. Recommend to the Supreme Court for official enrollment as
20 certified courtroom ~~interpreter or translator~~ interpreters those
21 persons who, on their examination, have established the requisite
22 proficiency as set forth in the Board's rules and Section 3 1703 of
23 this act title;

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

- 7 a. a final conviction of a criminal offense involving
8 moral turpitude,
- 9 b. misrepresentation in obtaining ~~license~~ certification
10 or credential,
- 11 c. any violation of or noncompliance with any rule or
12 directive of the Supreme Court including, but not
13 limited to, the Code of Professional Responsibility
14 for Interpreters in the Oklahoma Courts,
- 15 d. fraud, gross incompetence, or gross or habitual
16 neglect of duty,
- 17 e. misrepresentation of certification level or status
18 while engaging in the practice of courtroom
19 interpreting or translating ~~using a method for which~~
20 ~~the interpreter or translator is not certified~~ in an
21 Oklahoma court,
- 22 f. engaging in the practice of courtroom interpreting or
23 translating in an Oklahoma Court while certification
24 is suspended,

1 g. nonpayment of renewal dues, or

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

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

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

12 B. The Administrative Office of the Courts shall provide
13 administrative support and assistance to the Board.

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

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

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

3 1. Is of legal age;

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

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

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

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

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

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

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

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

- 21 1. Translation of written text;
- 22 2. Interpretation of spoken words; or
- 23 3. Any other method of interpreting or translating authorized
24 by the Supreme Court.

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

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

17 G. In determining whether an applicant meets the requisite
18 standards of ethical fitness as set forth in subsection A of this
19 section, the Board is authorized to conduct a criminal history
20 record check, including, but not limited to, a criminal history
21 record check through the Oklahoma State Bureau of Investigation or a
22 national criminal history record check through the Federal Bureau of
23 Investigation pursuant to Section 150.9 of Title 74 of the Oklahoma
24 Statutes. Applicants shall furnish all releases, authorizations,

1 fingerprints, or other items necessary to enable the Board to
2 conduct the background check. The Board shall charge the applicant
3 a fee in an amount approved by the Supreme Court for the background
4 check.

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

7 Section 1705. A person holding a ~~license from another state~~ or
8 federal certification which is deemed by the State Board of
9 Examiners of Certified Courtroom Interpreters to be equivalent to
10 that of an Oklahoma certified courtroom interpreter ~~or translator~~
11 may apply to be enrolled without examination as an Oklahoma
12 certified courtroom interpreter ~~or translator~~ upon payment of fees
13 established by the Board, with the approval of the Supreme Court and
14 satisfying the Board that such person's credentials are in proper
15 order and that he or she is a resident of Oklahoma. The court may
16 utilize a person certified in another state to ~~serve as an~~
17 ~~interpreter or translator for~~ perform interpreting or translating in
18 a particular case provided such person has registered in accordance
19 with the rules of the Board, or as otherwise authorized by the
20 Supreme Court. In addition, the Supreme Court may promulgate rules
21 authorizing the court to utilize interpreters listed on a nationally
22 recognized database of certified courtroom interpreters, including,
23 but not limited to, a registry of certified courtroom interpreters
24 maintained by the National Center for State Courts, provided those

1 interpreters hold certifications which are deemed by the Board to be
2 equivalent to that of an Oklahoma certification.

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

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

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

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

19 B. All fees authorized to be charged shall be paid to the Clerk
20 of the Supreme Court who shall deposit such fees in the State
21 Judicial Fund. The Chief Justice shall be authorized to draw
22 against the Supreme Court Revolving Fund such amounts as are
23 lawfully claimed by the Board for its necessary supplies and
24 expenses and such amounts as are lawfully incurred by the Supreme

1 Court for the administration of the interpreter credentialing and
2 examination program. When performing essential duties, each Board
3 member shall be entitled to such member's expenses pursuant to the
4 State Travel Reimbursement Act and shall receive, in addition
5 thereto, the sum of One Hundred Dollars (\$100.00) for each full day
6 of service or a fraction thereof for less than a day's service or
7 any other amount that is established by the Legislature.

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

10 Section 1708. The Supreme Court may promulgate rules
11 authorizing the recognition of different levels or courtroom
12 interpreter certifications in the Oklahoma courts, including the
13 following: Certified Courtroom Interpreters and Registered Courtroom
14 Interpreters. Every person enrolled as a certified courtroom
15 interpreter ~~or translator~~ shall be entitled to use the abbreviation
16 C.C.I. after his or her name. Each person enrolled as a registered
17 courtroom interpreter shall be entitled to use the abbreviation
18 R.C.I. after his or her name. Courtroom interpreters holding a
19 provisional ~~certification~~ status do not hold an official
20 certification and shall not be allowed the use of the abbreviation.
21 Certified and registered courtroom interpreters shall be authorized
22 to interpret ~~or~~ spoken words and translate written text in all
23 proceedings related to the case to which he or she has been
24 assigned.

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

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