

1 ENGROSSED SENATE
2 BILL NO. 489

By: Brooks of the Senate

3 and

4 Walke of the House

5
6 An Act relating to courtroom interpreters; amending
7 20 O.S. 2011, Sections 1701, 1702, 1703, 1704, 1705,
8 1706, 1708 and 1710, which relate to State Board of
9 Examiners of Certified Courtroom Interpreters, Board
10 duties and powers, certification, continuing
11 education, C.C.I. abbreviation and service of non-
12 certified persons; modifying requirements for service
13 on Board; modifying powers and duties of Board;
14 modifying requirements for certain examination;
15 requiring promulgation of certain rules; requiring
16 certain training; establishing qualifications for
17 certain candidates; authorizing adjustment of certain
18 examinations and scores; adding procedures for
19 certain certification or registration; authorizing
20 certain record checks; requiring fee for certain
background checks; authorizing maintenance of certain
registry; modifying requirements for certain
continuing education; authorizing application by
persons with equivalent certification; requiring
payment of certain fees; clarifying eligibility for
use of certain abbreviations; directing appropriate
use of services of lesser credentialed persons;
modifying definition; updating statutory references;
and providing an effective date.

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

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

24 Section 1701. A. There is hereby created the State Board of
Examiners of Certified Courtroom Interpreters which shall consist of

1 five (5) members, four of whom shall be certified courtroom
2 interpreters and at least one of whom shall be a qualified
3 interpreter as defined in Section 2408 of Title 63 of the Oklahoma
4 Statutes, at least one of whom shall be certified in Spanish, and at
5 least one of whom shall be certified in Vietnamese. The Board shall
6 also consist of one member who shall be a licensed attorney or judge
7 and who shall not be required to be a certified courtroom
8 interpreter ~~or translator~~. The members shall be persons who have
9 been, for at least two (2) years prior to their appointment to the
10 Board, residents of this state and, except for the attorney or judge
11 member, certified courtroom interpreters. All members shall be
12 appointed by the Chief Justice of the Supreme Court and shall serve
13 in staggered terms, each for a period of five (5) years except for
14 the initial appointees who shall serve terms pursuant to subsection
15 B of this section. ~~No member may serve more than two terms in~~
16 ~~succession~~. The Board shall elect from its membership a chair and a
17 secretary. Three members shall constitute a quorum. The Board may
18 adopt a seal for its official use. All actions of the Board shall
19 be supervised by the Supreme Court and be subjected to approval by
20 the Court. All members shall be required to maintain their
21 certification during their time on the Board. The Chief Justice may
22 authorize other individuals to serve as Board members upon
23 recommendation of the Board that it is in the best interest of the
24 court interpreter credentialing program to do so.

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

2 1. The members constituting the initial Board under ~~this act~~
3 Sections 1701 through 1710 of this title shall be certified as a
4 courtroom ~~interpreter or translator~~ interpreters in another state or
5 under the federal system ~~until obtaining, during their first year of~~
6 ~~service, certification in this state~~ or shall be other individuals
7 appointed by the Chief Justice; and

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

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

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

17 1. Determine and establish levels of recognized courtroom
18 ~~interpreter or translator certifications and specialization~~
19 ~~certificates~~ credentials in this state including but not limited to
20 certified and registered courtroom interpreters, to meet the needs
21 of a variety of court proceedings, as the Board deems necessary and
22 appropriate;

23 2. Conduct preliminary investigations to determine the
24 qualifications of applicants seeking to attain ~~the status of~~

1 ~~certified an Oklahoma~~ courtroom interpreter ~~or translator~~
2 credential;

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

12 4. Recommend to the Supreme Court for official enrollment as
13 certified or registered courtroom interpreter or ~~translator~~ other
14 recognized levels of interpreter credentials those persons who, on
15 their ~~examination~~ examinations, have established the requisite
16 proficiency as set forth in the Board's rules and Section 3 1703 of
17 this ~~act~~ title;

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

- a. a final conviction of a criminal offense involving moral turpitude,
- b. misrepresentation in obtaining ~~license~~ an Oklahoma courtroom interpreter 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 credential level or status while engaging in the practice of courtroom interpreting in a court of this state or ~~translating using a method for which the interpreter or translator is not certified~~ accepting payment from the court at an hourly rate greater than the rate authorized for the level of credential held by the interpreter,
- f. engaging in the practice of courtroom interpreting or translating in a court of this state while certification is suspended,
- g. ~~nonpayment of renewal dues~~ failure to renew credential pursuant to rules of the Board, or

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

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

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

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

18 C. If the Board establishes additional levels of Oklahoma
19 courtroom interpreter credentials, the Board shall exercise all
20 related powers and duties as set forth in this section.

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

23 Section 1703. A. Every applicant who seeks to be examined for
24 enrollment as a certified or registered spoken language courtroom

1 interpreter ~~or translator~~ shall prove to the satisfaction of the
2 State Board of Examiners of 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~~ The Board shall promulgate rules establishing interpreter
14 credentialing standards and requiring the use of oral and written
15 interpreter examinations consistent with nationally recognized state
16 court interpreter certification standards including but not limited
17 to those developed through the National Center for State Courts
18 language access programs. Candidates shall be required to attend a
19 training program approved by the Board, and shall be required to
20 establish their proficiency in English and in the foreign language
21 through the written and oral examinations required by the Board.

22 1. A candidate seeking to become a registered courtroom
23 interpreter shall:
24

- 1 a. complete a courtroom interpreter orientation program
2 conducted or sponsored by the Board which shall
3 educate the candidate about interpreting in the
4 Oklahoma courts, interpreter skills development,
5 courtroom procedure and decorum, legal terminology,
6 methods and modes of interpretation and interpreter
7 ethics and professionalism,
- 8 b. successfully pass the court interpreter Written
9 English Examination approved by the Board with a score
10 of eighty percent (80%) or better in order to
11 demonstrate the candidate's knowledge of three areas
12 central to the work of a court interpreter (1) the
13 English language including language comprehension,
14 vocabulary, synonyms, antonyms and idioms; (2) court-
15 related terms and usage including legal terminology
16 and court procedures; and (3) interpreter ethics and
17 professional conduct,
- 18 c. establish basic proficiency in the foreign language by
19 successfully passing either an oral proficiency
20 interview or a written translation examination for the
21 foreign language being tested, as specified by the
22 Board, and

1 d. agree in writing to be bound by the Code of
2 Professional Responsibility for Courtroom Interpreters
3 in Oklahoma.

4 2. A candidate seeking to become a certified courtroom
5 interpreter shall:

6 a. be currently enrolled as a registered courtroom
7 interpreter in this state in accordance with the
8 Board's rules and examination standards, and

9 b. successfully pass the court interpreter oral
10 examination authorized by the Board for the language
11 being certified with an overall score of seventy
12 percent (70%) or better in each of the sections of the
13 exam in order to demonstrate the candidate possesses
14 the requisite degree of skill and ability in all three
15 modes of interpreting: simultaneous interpreting,
16 consecutive interpreting and sight translation.

17 3. The Board may adjust the examinations and the scores
18 required to pass each of the interpreter examinations in this state
19 in order to maintain equivalency with the nationally recognized
20 interpreter credentialing standards and maximize the reciprocity
21 between Oklahoma's interpreter credentialing program and other state
22 and national credentialing programs. For languages in which a
23 recognized three-part oral exam is unavailable, the Board may
24 authorize an abbreviated oral examination from the National Center

1 for State Courts, or other approved entity, if one is available. If
2 no abbreviated oral examination is available, the Board may, at its
3 discretion, recognize other oral proficiency examinations or
4 interviews on a per-language basis.

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

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

12 ~~1. Translation of written text;~~

13 ~~2. Interpretation of spoken words; or~~

14 ~~3. Any other method of interpreting or translating authorized~~

15 ~~by the Supreme Court~~ All applicants who satisfy the credentialing

16 requirements set forth in this section and in the Board's rules and

17 have otherwise been found and approved by the Board to be fit and

18 proper persons shall be recommended by the Board to the Supreme

19 Court for official enrollment as certified or registered courtroom

20 interpreters. Any individual enrolled as a certified or registered

21 courtroom interpreter is qualified to engage in the translation of

22 written text and the interpretation of spoken words in the courts of

23 this state.

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 ~~pursuant to its rules~~ In district court proceedings, the court shall
6 endeavor to obtain the services of a courtroom interpreter with the
7 highest available level of credential prior to accepting services of
8 an interpreter with lesser credential and skill, pursuant to the
9 requirements set forth in the Rules of the Supreme Court and Section
10 1710 of this title.

11 F. In determining whether an applicant meets the requisite
12 standards of ethical fitness as set forth in this section, the Board
13 is authorized to conduct a criminal history record check including
14 but not limited to a criminal history record check through the
15 Oklahoma State Bureau of Investigation (OSBI), or a national
16 criminal history record check through the Federal Bureau of
17 Investigation (FBI) pursuant to Section 150.9 of Title 74 of the
18 Oklahoma Statutes or other applicable statute. This paragraph is
19 specifically intended to provide the statutory authority required by
20 the OSBI and FBI to provide criminal history background check
21 services and information to the Board for this purpose. Applicants
22 shall furnish all releases, authorizations, fingerprints or other
23 items necessary to enable the Board to conduct the background check.
24

1 The Board shall charge the applicant a fee in an amount approved by
2 the Supreme Court for the background check.

3 G. The Board may maintain a registry of certified interpreters
4 for the deaf and hard-of-hearing to serve as qualified legal
5 interpreters pursuant to the provisions of Section 2408 of Title 63
6 of the Oklahoma Statutes. Applicants shall establish to the
7 satisfaction of the Board that they hold at least one of the sign
8 language interpreting credentials which the Board deems appropriate
9 for interpreting in the courts of this state, and shall satisfy the
10 registration requirements as set forth in the rules of the Board.

11 SECTION 4. AMENDATORY 20 O.S. 2011, Section 1704, is
12 amended to read as follows:

13 Section 1704. A. Every registered or certified courtroom
14 interpreter ~~or translator and every courtroom interpreter or~~
15 ~~translator temporarily employed by a court of competent jurisdiction~~
16 shall annually complete at least eight (8) hours of continuing
17 education approved by the State Board of Examiners of Courtroom
18 Interpreters, which shall include at least two (2) hours which
19 relate to Oklahoma court rules and procedures or interpreter ethics.

20 B. A certified courtroom interpreter ~~or translator~~ is exempt
21 from the requirement of subsection A of this section if the
22 interpreter ~~or translator~~ verifies under oath to the State Board of
23 Examiners of Certified Courtroom Interpreters that such person:

1 1. Is a member of the armed forces on full-time active duty
2 which has prevented the court interpreter from completing continuing
3 education during the ~~entire~~ calendar year for which the interpreter
4 or translator seeks an exemption; or

5 2. Has provided written verification by a licensed physician
6 that a medical condition has prevented the court interpreter ~~or~~
7 ~~translator~~ from working in such capacity and completing continuing
8 education for the calendar year for which the interpreter ~~or~~
9 ~~translator~~ seeks an exemption.

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

12 Section 1705. A person holding a ~~license from another state or~~
13 federal certification which is deemed by the State Board of
14 Examiners of Certified Courtroom Interpreters to be equivalent to
15 that of an Oklahoma certified courtroom interpreter ~~or translator~~
16 may apply to be enrolled without examination as an Oklahoma
17 certified courtroom interpreter ~~or translator~~ upon payment of fees
18 established by the Board, and satisfying the Board that such
19 person's credentials are in proper order ~~and that he or she is a~~
20 ~~resident of Oklahoma. The court may utilize a person certified in~~
21 ~~another state to serve as an interpreter or translator for a~~
22 ~~particular case provided such person has registered in accordance~~
23 ~~with the rules of the Board.~~
24

1 SECTION 6. AMENDATORY 20 O.S. 2011, Section 1706, is
2 amended to read as follows:

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

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

14 Section 1708. The Board may adopt rules establishing different
15 levels of courtroom interpreter certifications recognized in the
16 courts of this state including certified courtroom interpreters and
17 registered courtroom interpreters. Every person enrolled as a
18 certified courtroom interpreter ~~or translator~~ shall be entitled to
19 use the abbreviation C.C.I. after his or her name. Every person
20 enrolled as a registered courtroom interpreter shall be entitled to
21 use the abbreviation R.C.I. after his or her name. Courtroom
22 interpreters holding a provisional ~~certification~~ status do not hold
23 an official certification, and shall not be allowed the use of the
24 abbreviation. Certified and registered courtroom interpreters shall

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

4 SECTION 8. AMENDATORY 20 O.S. 2011, Section 1710, is
5 amended to read as follows:

6 Section 1710. In district court proceedings, the court shall
7 endeavor to obtain the services of a courtroom interpreter with the
8 highest available level of credential prior to accepting services of
9 an interpreter with lesser credential and skill. Certified
10 courtroom interpreters have the highest recognized level of
11 credential in this state, and registered courtroom interpreters have
12 the next highest level. When good cause is shown and the court has
13 determined that it would not be practical, within a reasonable time
14 frame, to secure the services of an individual certified under ~~this~~
15 ~~act~~ Sections 1701 through 1710 of this title, the court may utilize
16 the services of a ~~non-certified person~~ registered courtroom
17 interpreter. When good cause is shown and the court has determined
18 that it would not be practical, within a reasonable time frame, to
19 secure the services of a registered courtroom interpreter, the court
20 may utilize the services of a provisional interpreter or other
21 person who does not hold a certified or registered credential. If
22 the Board establishes additional levels of qualified interpreters,
23 the court shall follow the recognized hierarchy of credential when
24 endeavoring to obtain interpreter services. For purposes of this

1 section, "good cause" means that due to the nature of the hearing,
2 and time being of the essence, the securing of a certified or
3 registered interpreter ~~or translator~~ would not be possible due to
4 the time, distance, or availability of a certified or registered
5 interpreter ~~or translator~~. The court shall make a specific finding
6 as to the good cause for the emergency circumstances. In addition,
7 the ~~non-certified~~ non-credentialed person shall have reasonably
8 demonstrated to the court and the parties such person's proficiency
9 for the purposes of that hearing. It is also mandatory that the
10 proceedings are audio taped, and in the event of deaf or hard of
11 hearing individuals, audio and video taped. The recording shall be
12 labeled and remain an official part of the record.

13 SECTION 9. This act shall become effective November 1, 2019.

14 Passed the Senate the 25th day of February, 2019.

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Presiding Officer of the Senate

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18 Passed the House of Representatives the ____ day of _____,
19 2019.

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Presiding Officer of the House
of Representatives

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