

STATE OF OKLAHOMA

1st Session of the 57th Legislature (2019)

SENATE BILL 489

By: Brooks

AS INTRODUCED

An Act relating to courtroom interpreters; amending 20 O.S. 2011, Sections 1701, 1702, 1703, 1704, 1705, 1706, 1708 and 1710, which relate to State Board of Examiners of Certified Courtroom Interpreters, Board duties and powers, certification, continuing education, C.C.I. abbreviation and service of non-certified persons; modifying requirements for service on Board; modifying powers and duties of Board; modifying requirements for certain examination; requiring promulgation of certain rules; requiring certain training; establishing qualifications for certain candidates; authorizing adjustment of certain examinations and scores; adding procedures for certain certification or registration; authorizing 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.

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:

1       Section 1701. A. There is hereby created the State Board of  
2 Examiners of Certified Courtroom Interpreters which shall consist of  
3 five (5) members, four of whom shall be certified courtroom  
4 interpreters and at least one of whom shall be a qualified  
5 interpreter as defined in Section 2408 of Title 63 of the Oklahoma  
6 Statutes, at least one of whom shall be certified in Spanish, and at  
7 least one of whom shall be certified in Vietnamese. The Board shall  
8 also consist of one member who shall be a licensed attorney or judge  
9 and who shall not be required to be a certified courtroom  
10 interpreter ~~or translator~~. The members shall be persons who have  
11 been, for at least two (2) years prior to their appointment to the  
12 Board, residents of this state and, except for the attorney or judge  
13 member, certified courtroom interpreters. All members shall be  
14 appointed by the Chief Justice of the Supreme Court and shall serve  
15 in staggered terms, each for a period of five (5) years except for  
16 the initial appointees who shall serve terms pursuant to subsection  
17 B of this section. ~~No member may serve more than two terms in~~  
18 ~~succession~~. The Board shall elect from its membership a chair and a  
19 secretary. Three members shall constitute a quorum. The Board may  
20 adopt a seal for its official use. All actions of the Board shall  
21 be supervised by the Supreme Court and be subjected to approval by  
22 the Court. All members shall be required to maintain their  
23 certification during their time on the Board. The Chief Justice may  
24 authorize other individuals to serve as Board members upon

1 recommendation of the Board that it is in the best interest of the  
2 court interpreter credentialing program to do so.

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

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

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

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

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

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

1        2. Conduct preliminary investigations to determine the  
2 qualifications of applicants seeking to attain ~~the status of~~  
3 ~~certified~~ an Oklahoma courtroom interpreter ~~or translator~~  
4 credential;

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

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

20        5. Conduct proceedings, on reasonable notice, the object of  
21 which are to recommend to the Supreme Court the suspension,  
22 cancellation, revocation, or reinstatement of the enrollment of a  
23 certified courtroom interpreter ~~or translator or of the status of~~  
24

1 ~~any acting courtroom interpreter or translator, regular or~~  
2 ~~provisional,~~ on the following grounds:

- 3 a. a final conviction of a criminal offense involving
- 4 moral turpitude,
- 5 b. misrepresentation in obtaining ~~license~~ an Oklahoma
- 6 courtroom interpreter credential,
- 7 c. any violation of or noncompliance with any rule or
- 8 directive of the Supreme Court including but not
- 9 limited to the Code of Professional Responsibility for
- 10 Interpreters in the Oklahoma Courts,
- 11 d. fraud, gross incompetence, or gross or habitual
- 12 neglect of duty,
- 13 e. misrepresentation of credential level or status while
- 14 engaging in the practice of courtroom interpreting in
- 15 a court of this state or ~~translating using a method~~
- 16 ~~for which the interpreter or translator is not~~
- 17 ~~certified~~ accepting payment from the court at an
- 18 hourly rate greater than the rate authorized for the
- 19 level of credential held by the interpreter,
- 20 f. engaging in the practice of courtroom interpreting or
- 21 translating in a court of this state while
- 22 certification is suspended,
- 23 g. ~~nonpayment of renewal dues~~ failure to renew credential
- 24 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  
25

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  
25



- 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.

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:  
24

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.~~

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.

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