

ASSEMBLY BILL NO. 219—ASSEMBLYWOMAN DIAZ

MARCH 4, 2015

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to court interpreters. (BDR 1-272)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes.

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to interpreters; replacing the term “person with a language barrier” with “person with limited English proficiency”; making various other changes to provisions relating to court interpreters; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law requires the Court Administrator, in consultation with the
2 committee established to advise the Court Administrator regarding adoption of
3 regulations, to adopt various regulations relating to the certification of court
4 interpreters for persons with language barriers who are witnesses, defendants and
5 litigants. (NRS 1.510) **Sections 1-6 and 8-10** of this bill instead require the
6 credentialing of such court interpreters. **Sections 7-10** of this bill also replace the
7 term “person with a language barrier” with “person with limited English
8 proficiency.”
9 Existing law provides that an interpreter must be provided at public expense for
10 a person with a language barrier who is a defendant or a witness in a criminal
11 proceeding. (NRS 50.0545) **Section 9** of this bill provides that an interpreter must
12 also be provided at public expense if the person with limited English proficiency is
13 a party or witness in a civil proceeding.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 1.510 is hereby amended to read as follows:
2 1.510 1. The Court Administrator shall, in consultation with
3 the committee established pursuant to NRS 1.530, adopt regulations
4 which, subject to the availability of funding, establish:



1 (a) A program for the ~~{certification}~~ **credentialing** of court
2 interpreters for persons with ~~{language barriers}~~ **limited English**
3 **proficiency** who are witnesses, defendants and litigants; and

4 (b) Criteria and procedures for the appointment of alternate
5 court interpreters for persons with ~~{language barriers}~~ **limited**
6 **English proficiency** who are witnesses, defendants and litigants.

7 2. The regulations established pursuant to paragraph (a) of
8 subsection 1 must set forth:

9 (a) The specific languages for which court interpreters may
10 obtain ~~{certification}~~ **a credential**, based upon the need for
11 interpreters of those languages.

12 (b) Any examination and the qualifications which are required
13 for:

14 (1) ~~{Certification}~~ **A credential**; and

15 (2) Renewal of the ~~{certification}~~ **credential**.

16 (c) The circumstances under which the Court Administrator will
17 deny, suspend or refuse to renew a ~~{certificate}~~ **credential**.

18 (d) The circumstances under which the Court Administrator will
19 take disciplinary action against a ~~{certified}~~ **credentialed** court
20 interpreter or an alternate court interpreter.

21 (e) The circumstances under which a court may appoint an
22 alternate court interpreter.

23 (f) Except as otherwise provided in NRS 50.050, the rate and
24 source of the compensation to be paid for services provided by a
25 ~~{certified}~~ **credentialed** court interpreter or an alternate court
26 interpreter.

27 3. An application for a ~~{certificate}~~ **credential** as a court
28 interpreter pursuant to paragraph (a) of subsection 1 must include
29 the social security number of the applicant.

30 4. Except as otherwise provided by a specific regulation of the
31 Court Administrator, it is grounds for disciplinary action for a
32 ~~{certified}~~ **credentialed** court interpreter or an alternate court
33 interpreter to act as interpreter in any action in which:

34 (a) The spouse of the court interpreter is a party;

35 (b) A party or witness is otherwise related to the court
36 interpreter;

37 (c) The court interpreter is biased for or against one of the
38 parties; or

39 (d) The court interpreter otherwise has an interest in the
40 outcome of the proceeding.

41 5. The criteria and procedures established pursuant to
42 paragraph (b) of subsection 1 must set forth an order of preference,
43 subject to the direction of a court for the appointment of a ~~{certified}~~
44 **credentialed** court interpreter before an alternate court interpreter.



1 6. As used in this section, “person with ~~“a language barrier”~~
2 *limited English proficiency*” means a person who speaks a language
3 other than English and who cannot readily understand or
4 communicate in the English language.

5 **Sec. 2.** NRS 1.520 is hereby amended to read as follows:

6 1.520 The Court Administrator may:

7 1. In consultation with the committee established pursuant to
8 NRS 1.530, adopt any regulations necessary to:

9 (a) Carry out a program for the ~~“certification”~~ *credentialing* of
10 court interpreters.

11 (b) Establish criteria and procedures for the appointment of
12 alternate court interpreters.

13 2. Impose on a ~~“certified”~~ *credentialed* court interpreter:

14 (a) Any fees necessary to reimburse the Court Administrator for
15 the cost of administering the program; and

16 (b) A fine for any violation of a regulation of the Court
17 Administrator adopted pursuant to this section or NRS 1.510.

18 **Sec. 3.** NRS 1.540 is hereby amended to read as follows:

19 1.540 1. It is unlawful for a person to act as a ~~“certified”~~
20 *credentialed* court interpreter or advertise or put out any sign or card
21 or other device which might indicate to the public that the person is
22 entitled to practice as a ~~“certified”~~ *credentialed* court interpreter
23 without a ~~“certificate”~~ *credential* as an interpreter issued by the
24 Court Administrator pursuant to NRS 1.510 and 1.520.

25 2. No civil action may be instituted, nor recovery therein be
26 had, for a violation of the provisions of this section or NRS 1.510 or
27 1.520 or a violation of a regulation adopted by the Court
28 Administrator pursuant to NRS 1.510 or 1.520.

29 **Sec. 4.** NRS 1.550 is hereby amended to read as follows:

30 1.550 1. An applicant for the issuance or renewal of a
31 ~~“certificate”~~ *credential* as a court interpreter shall submit to the
32 Court Administrator the statement prescribed by the Division of
33 Welfare and Supportive Services of the Department of Health and
34 Human Services pursuant to NRS 425.520. The statement must be
35 completed and signed by the applicant.

36 2. The Court Administrator shall include the statement required
37 pursuant to subsection 1 in:

38 (a) The application or any other forms that must be submitted
39 for the issuance or renewal of the ~~“certificate”~~ *credential*; or

40 (b) A separate form prescribed by the Court Administrator.

41 3. A ~~“certificate”~~ *credential* as a court interpreter may not be
42 issued or renewed by the Court Administrator if the applicant:

43 (a) Fails to complete or submit the statement required pursuant
44 to subsection 1; or



1 (b) Indicates on the statement submitted pursuant to subsection
2 1 that the applicant is subject to a court order for the support of a
3 child and is not in compliance with the order or a plan approved by
4 the district attorney or other public agency enforcing the order for
5 the repayment of the amount owed pursuant to the order.

6 4. If an applicant indicates on the statement submitted pursuant
7 to subsection 1 that the applicant is subject to a court order for the
8 support of a child and is not in compliance with the order or a plan
9 approved by the district attorney or other public agency enforcing
10 the order for the repayment of the amount owed pursuant to the
11 order, the Court Administrator shall advise the applicant to contact
12 the district attorney or other public agency enforcing the order to
13 determine the actions that the applicant may take to satisfy the
14 arrearage.

15 **Sec. 5.** NRS 1.560 is hereby amended to read as follows:

16 1.560 1. If the Court Administrator receives a copy of a court
17 order issued pursuant to NRS 425.540 that provides for the
18 suspension of all professional, occupational and recreational
19 licenses, certificates and permits issued to a person who is the
20 holder of a ~~certificate~~ *credential* as a court interpreter, the Court
21 Administrator shall deem the ~~certificate~~ *credential* issued to that
22 person to be suspended at the end of the 30th day after the date on
23 which the court order was issued unless the Court Administrator
24 receives a letter issued to the holder of the ~~certificate~~ *credential* by
25 the district attorney or other public agency pursuant to NRS 425.550
26 stating that the holder of the ~~certificate~~ *credential* has complied
27 with the subpoena or warrant or has satisfied the arrearage pursuant
28 to NRS 425.560.

29 2. The Court Administrator shall reinstate a ~~certificate~~
30 *credential* as a court interpreter that has been suspended by a district
31 court pursuant to NRS 425.540 if:

32 (a) The Court Administrator receives a letter issued by the
33 district attorney or other public agency pursuant to NRS 425.550 to
34 the person whose ~~certificate~~ *credential* was suspended stating that
35 the person whose ~~certificate~~ *credential* was suspended has
36 complied with the subpoena or warrant or has satisfied the arrearage
37 pursuant to NRS 425.560; and

38 (b) The person whose ~~certificate~~ *credential* was suspended
39 pays any fees imposed by the Court Administrator pursuant to NRS
40 1.520 for the reinstatement of a suspended ~~certificate~~ *credential*.

41 **Sec. 6.** NRS 1.570 is hereby amended to read as follows:

42 1.570 1. In addition to any other requirements set forth in this
43 chapter, an applicant for the renewal of a ~~certificate~~ *credential* as a
44 court interpreter must indicate in the application submitted to the
45 Court Administrator whether the applicant has a state business



1 license. If the applicant has a state business license, the applicant
2 must include in the application the state business license number
3 assigned by the Secretary of State upon compliance with the
4 provisions of chapter 76 of NRS.

5 2. ~~{Certification}~~ *The credential* of a court interpreter may not
6 be renewed if:

7 (a) The applicant fails to submit the information required by
8 subsection 1; or

9 (b) The State Controller has informed the Court Administrator
10 pursuant to subsection 5 of NRS 353C.1965 that the applicant owes
11 a debt to an agency that has been assigned to the State Controller for
12 collection and the applicant has not:

13 (1) Satisfied the debt;

14 (2) Entered into an agreement for the payment of the debt
15 pursuant to NRS 353C.130; or

16 (3) Demonstrated that the debt is not valid.

17 3. As used in this section:

18 (a) "Agency" has the meaning ascribed to it in NRS 353C.020.

19 (b) "Debt" has the meaning ascribed to it in NRS 353C.040.

20 **Sec. 7.** NRS 47.020 is hereby amended to read as follows:

21 47.020 1. This title governs proceedings in the courts of this
22 State and before magistrates, except:

23 (a) To the extent to which its provisions are relaxed by a statute
24 or procedural rule applicable to the specific situation; and

25 (b) As otherwise provided in subsection 3.

26 2. Except as otherwise provided in subsection 1, the provisions
27 of chapter 49 of NRS with respect to privileges apply at all stages of
28 all proceedings.

29 3. The other provisions of this title, except with respect to
30 provisions concerning a person with ~~{a language barrier,}~~ *limited*
31 *English proficiency*, do not apply to:

32 (a) Issuance of warrants for arrest, criminal summonses and
33 search warrants.

34 (b) Proceedings with respect to release on bail.

35 (c) Sentencing, granting or revoking probation.

36 (d) Proceedings for extradition.

37 4. As used in this section, "person with ~~{a language barrier,}~~
38 *limited English proficiency*" has the meaning ascribed to it in
39 NRS 1.510.

40 **Sec. 8.** NRS 50.054 is hereby amended to read as follows:

41 50.054 1. Except as otherwise provided by a regulation of the
42 Court Administrator adopted pursuant to NRS 1.510 and 1.520, a
43 person shall not act as an interpreter in a proceeding if the
44 interpreter is:



- 1 (a) The spouse of a witness;
2 (b) Otherwise related to a witness;
3 (c) Biased for or against one of the parties; or
4 (d) Otherwise interested in the outcome of the proceeding.
- 5 2. Before undertaking his or her duties, the interpreter shall
6 swear or affirm that he or she will:
- 7 (a) To the best of his or her ability, translate accurately to the
8 person with ~~{a language barrier}~~ *limited English proficiency* in
9 the language of the person, questions and statements addressed to
10 the person;
- 11 (b) Make a true interpretation of the statements of the person
12 with ~~{a language barrier}~~ *limited English proficiency* in an
13 understandable manner; and
- 14 (c) Repeat the statements of the person with ~~{a language barrier~~
15 ~~in the English language}~~ *limited English proficiency* to the best of
16 his or her ability.
- 17 3. While in the proper performance of his or her duties, an
18 interpreter has the same rights and privileges as the person with ~~{a~~
19 ~~language barrier}~~ *limited English proficiency*, including the right to
20 examine all relevant material, but is not entitled to waive or exercise
21 any of those rights or privileges on behalf of the person with ~~{a~~
22 ~~language barrier}~~ *limited English proficiency*.
- 23 4. If an interpreter appointed for a person with ~~{a language~~
24 ~~barrier}~~ *limited English proficiency* is not effectively or accurately
25 communicating with or on behalf of the person, and that fact
26 becomes known to the person who appointed the interpreter, another
27 interpreter must be appointed.
- 28 5. Claims against a county, municipality, this State or any
29 agency thereof for the compensation of an interpreter in a criminal
30 proceeding or other proceeding for which an interpreter must be
31 provided at public expense must be paid in the same manner as
32 other claims against the respective entities are paid. Payment may be
33 made only upon the certificate of the judge, magistrate or other
34 person presiding over the proceedings that the interpreter has
35 performed the services required and incurred the expense claimed.
- 36 6. As used in this section:
- 37 (a) "Interpreter" means a person who:
- 38 (1) Has a ~~{certificate}~~ *credential* as an interpreter issued by
39 the Court Administrator pursuant to NRS 1.510 and 1.520; or
40 (2) Is appointed as an alternate court interpreter in
41 accordance with the criteria and procedures established pursuant to
42 NRS 1.510 or 1.520.
- 43 (b) "Person with ~~{a language barrier}~~" *limited English*
44 *proficiency*" has the meaning ascribed to it in NRS 1.510.



1 **Sec. 9.** NRS 50.0545 is hereby amended to read as follows:
2 50.0545 1. An interpreter must be appointed at public
3 expense for a person with ~~{a language barrier}~~ **limited English**
4 **proficiency** who ~~{is}~~ :

5 (a) **Is** a defendant or a witness in a criminal proceeding.

6 (b) **Is a party or witness in a civil proceeding.**

7 2. As used in this section:

8 (a) “Interpreter” means a person who:

9 (1) Has a ~~{certificate}~~ **credential** as an interpreter issued by
10 the Court Administrator pursuant to NRS 1.510 and 1.520; or

11 (2) Is appointed as an alternate court interpreter in
12 accordance with the criteria and procedures established pursuant to
13 NRS 1.510 or 1.520.

14 (b) “Person with ~~{a language barrier}~~” **limited English**
15 **proficiency**” has the meaning ascribed to it in NRS 1.510.

16 **Sec. 10.** NRS 62D.405 is hereby amended to read as follows:

17 62D.405 1. The juvenile court shall appoint at public expense
18 an interpreter for a person with ~~{a language barrier}~~ **limited English**
19 **proficiency** in all proceedings conducted pursuant to the provisions
20 of this title if the person with ~~{a language barrier}~~ **limited English**
21 **proficiency** is:

22 (a) The child who is alleged to be or has been adjudicated
23 delinquent or in need of supervision;

24 (b) A parent or guardian of the child that is alleged to be or has
25 been adjudicated delinquent or in need of supervision; or

26 (c) A person who appears as a witness.

27 2. As used in this section:

28 (a) “Interpreter” means a person who:

29 (1) Has a ~~{certificate}~~ **credential** as an interpreter issued by
30 the Court Administrator pursuant to NRS 1.510 and 1.520; or

31 (2) Is appointed as an alternate court interpreter in
32 accordance with the criteria and procedures established pursuant to
33 NRS 1.510 or 1.520.

34 (b) “Person with ~~{a language barrier}~~” **limited English**
35 **proficiency**” has the meaning ascribed to it in NRS 1.510.

36 **Sec. 11.** Sections 4 and 5 of this act expire by limitation on the
37 date on which the provisions of 42 U.S.C. § 666 requiring each state
38 to establish procedures under which the state has authority to
39 withhold or suspend, or to restrict the use of professional,
40 occupational and recreational licenses of persons who:

41 1. Have failed to comply with a subpoena or warrant relating to
42 a proceeding to determine the paternity of a child or to establish or
43 enforce an obligation for the support of a child; or



- 1 2. Are in arrears in the payment for the support of one or more
- 2 children,
- 3 ↪ are repealed by the Congress of the United States.

Ⓢ



* A B 2 1 9 *