

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.

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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:

Existing law requires the Court Administrator, in consultation with the committee established to advise the Court Administrator regarding adoption of regulations, to adopt various regulations relating to the certification of court interpreters for persons with language barriers who are witnesses, defendants and litigants. (NRS 1.510) **Sections 1-6 and 8-10** of this bill instead require the credentialing of such court interpreters. **Sections 7-10** of this bill also replace the term “person with a language barrier” with “person with limited English proficiency.”

Existing law provides that an interpreter must be provided at public expense for a person with a language barrier who is a defendant or a witness in a criminal proceeding. (NRS 50.0545) **Section 9** of this bill provides that an interpreter must also be provided at public expense if the person with limited English proficiency is a party or witness in a civil proceeding.

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

Section 1. NRS 1.510 is hereby amended to read as follows:

1.510 1. The Court Administrator shall, in consultation with the committee established pursuant to NRS 1.530, adopt regulations which, subject to the availability of funding, establish:



* A B 2 1 9 *

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

1.520 The Court Administrator may:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

1.570 1. In addition to any other requirements set forth in this chapter, an applicant for the renewal of a ~~certificate~~ *credential* as a court interpreter must indicate in the application submitted to the 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.



Sec. 9. NRS 50.0545 is hereby amended to read as follows:

50.0545 1. An interpreter must be appointed at public expense for a person with ~~{a language barrier}~~ *limited English proficiency* who ~~{is}~~ :

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

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

2. As used in this section:

(a) "Interpreter" means a person who:

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

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

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

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

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

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

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

(c) A person who appears as a witness.

2. As used in this section:

(a) "Interpreter" means a person who:

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

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

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

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

1. Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or 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.

