

Amendment No. 389

Assembly Amendment to Assembly Bill No. 125	(BDR 1-297)
<b>Proposed by:</b> Assembly Committee on Judiciary	
<b>Amends:</b> Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION		Initial and Date	SENATE ACTION		Initial and Date
Adopted	<input type="checkbox"/>	Lost <input type="checkbox"/>	Adopted	<input type="checkbox"/>	Lost <input type="checkbox"/>
Concurred In	<input type="checkbox"/>	Not <input type="checkbox"/>	Concurred In	<input type="checkbox"/>	Not <input type="checkbox"/>
Receded	<input type="checkbox"/>	Not <input type="checkbox"/>	Receded	<input type="checkbox"/>	Not <input type="checkbox"/>

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

NCA



Date: 4/19/2017

A.B. No. 125—Revises provisions relating to court interpreters. (BDR 1-297)





## ASSEMBLY BILL NO. 125—ASSEMBLYWOMAN DIAZ

PREFILED FEBRUARY 9, 2017

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to court interpreters. (BDR 1-297)

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; **requiring the adoption of regulations providing for the registration of court interpreters and governing the circumstances under which a court or juvenile court must proceed if a certified or registered court interpreter is not available;** replacing the term “person with a language barrier” with “person with limited English proficiency”; removing provisions relating to alternate court interpreters; making various other changes to provisions relating to court interpreters; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law requires and authorizes 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: (1) certification of court interpreters; and (2) criteria and procedures for the appointment of alternate court interpreters for persons with language barriers who are witnesses, defendants and litigants. (NRS 1.510, 1.520) **Section 1 of this bill requires the adoption of regulations: (1) providing for the registration of court interpreters; and (2) governing the circumstances under which a court or juvenile court must proceed if a certified or registered court interpreter is not available. Sections 1-6 and 8-10 of this bill ~~clarify~~ provide that a court interpreter is required to obtain a ~~professional~~ certificate, ~~or~~ or registration. Sections 1, 2 and 8-10 also remove the provisions relating to the appointment of alternate court interpreters. Sections 1 and 7-10 of this bill 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 witness in a criminal proceeding. (NRS 50.0545) Section 9 provides that an interpreter must be provided at public expense if the person with limited English proficiency is a defendant, party or witness in a civil or criminal 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 advice of the committee established pursuant to NRS 1.530, adopt regulations which, subject to the availability of funding, establish ~~+~~

~~—(a) A~~ a program for the ~~professional~~ certification or registration 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 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 ~~professional~~ certification ~~+~~ or registration, based upon the need for interpreters of those languages.

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

(1) Certification ~~Professional certification~~ or registration; and

(2) Renewal of the ~~professional~~ certification ~~+~~ or registration.

(c) The circumstances under which the Court Administrator will deny, suspend or refuse to renew a ~~professional~~ certificate ~~+~~ or registration.

(d) The circumstances under which the Court Administrator will take disciplinary action against a ~~professionally~~ certified or registered court interpreter ~~for an alternate court interpreter.~~

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

~~—(f) or juvenile court must proceed if a certified or registered interpreter is not available.~~

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

3. An application for a ~~professional~~ certificate or registration 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 ~~professionally~~ certified or registered court interpreter ~~for 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 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.

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

2       1.520 The Court Administrator may:

3       1. ~~{In consultation with}~~ With the advice of the committee established

4 pursuant to NRS 1.530, adopt any regulations necessary to ~~+~~

5 ~~(a) Carry~~ carry out a program for the ~~{professionally}~~ certification and

6 registration of court interpreters.

7 ~~{(b) Establish criteria and procedures for the appointment of alternate court~~

8 ~~interpreters.}~~

9       2. Impose on a ~~{professionally}~~ certified or registered court interpreter:

10       (a) Any fees necessary to reimburse the Court Administrator for the cost of

11 administering the program; and

12       (b) A fine for any violation of a regulation of the Court Administrator adopted

13 pursuant to this section or NRS 1.510.

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

15       1.540 1. It is unlawful for a person to act as a ~~{professionally}~~ certified or

16 registered court interpreter or advertise or put out any sign or card or other device

17 which might indicate to the public that the person is entitled to practice as a

18 ~~{professionally}~~ certified or registered court interpreter without a ~~{professional}~~

19 certificate or registration as an interpreter issued by the Court Administrator

20 pursuant to NRS 1.510 and 1.520.

21       2. No civil action may be instituted, nor recovery therein be had, for a

22 violation of the provisions of this section or NRS 1.510 or 1.520 or a violation of a

23 regulation adopted by the Court Administrator pursuant to NRS 1.510 or 1.520.

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

25       1.550 1. An applicant for the issuance or renewal of a ~~{professionally}~~

26 certificate or registration as a court interpreter shall submit to the Court

27 Administrator the statement prescribed by the Division of Welfare and Supportive

28 Services of the Department of Health and Human Services pursuant to NRS

29 425.520. The statement must be completed and signed by the applicant.

30       2. The Court Administrator shall include the statement required pursuant to

31 subsection 1 in:

32       (a) The application or any other forms that must be submitted for the issuance

33 or renewal of the ~~{professionally}~~ certificate ~~+~~ or registration; or

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

35       3. A ~~{professionally}~~ certificate or registration as a court interpreter may not be

36 issued or renewed by the Court Administrator if the applicant:

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

38 or

39       (b) Indicates on the statement submitted pursuant to subsection 1 that the

40 applicant is subject to a court order for the support of a child and is not in

41 compliance with the order or a plan approved by the district attorney or other public

42 agency enforcing the order for the repayment of the amount owed pursuant to the

43 order.

44       4. If an applicant indicates on the statement submitted pursuant to subsection

45 1 that the applicant is subject to a court order for the support of a child and is not in

46 compliance with the order or a plan approved by the district attorney or other public

47 agency enforcing the order for the repayment of the amount owed pursuant to the

48 order, the Court Administrator shall advise the applicant to contact the district

49 attorney or other public agency enforcing the order to determine the actions that the

50 applicant may take to satisfy the arrearage.

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

52       1.560 1. If the Court Administrator receives a copy of a court order issued

53 pursuant to NRS 425.540 that provides for the suspension of all professional,

1 occupational and recreational licenses, certificates and permits issued to a person  
2 who is the holder of a ~~professional~~ certificate or registration as a court  
3 interpreter, the Court Administrator shall deem the ~~professional~~ certificate or  
4 registration issued to that person to be suspended at the end of the 30th day after  
5 the date on which the court order was issued unless the Court Administrator  
6 receives a letter issued to the holder of the ~~professional~~ certificate or registration  
7 by the district attorney or other public agency pursuant to NRS 425.550 stating that  
8 the holder of the ~~professional~~ certificate or registration has complied with the  
9 subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

10 2. The Court Administrator shall reinstate a ~~professional~~ certificate or  
11 registration as a court interpreter that has been suspended by a district court  
12 pursuant to NRS 425.540 if:

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

18 (b) The person whose ~~professional~~ certificate or registration was suspended  
19 pays any fees imposed by the Court Administrator pursuant to NRS 1.520 for the  
20 reinstatement of a suspended ~~professional~~ certificate or registration.

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

22 1.570 1. In addition to any other requirements set forth in this chapter, an  
23 applicant for the renewal of a ~~professional~~ certificate or registration as a court  
24 interpreter must indicate in the application submitted to the Court Administrator  
25 whether the applicant has a state business registration. If the applicant has a state  
26 business registration, the applicant must include in the application the business  
27 identification number assigned by the Secretary of State upon compliance with the  
28 provisions of chapter 76 of NRS.

29 2. Certification ~~Professional certification~~ or registration of a court  
30 interpreter may not be renewed if:

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

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

35 (1) Satisfied the debt;

36 (2) Entered into an agreement for the payment of the debt pursuant to NRS  
37 353C.130; or

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

39 3. As used in this section:

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

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

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

43 47.020 1. This title governs proceedings in the courts of this State and  
44 before magistrates, except:

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

47 (b) As otherwise provided in subsection 3.

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

50 3. The other provisions of this title, except with respect to provisions  
51 concerning a person with ~~a language barrier~~ limited English proficiency, do not  
52 apply to:

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

- (b) Proceedings with respect to release on bail.  
(c) Sentencing, granting or revoking probation.  
(d) Proceedings for extradition.

4. As used in this section, “person with ~~language barrier~~” *limited English proficiency*” has the meaning ascribed to it in NRS 1.510.

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

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

- (a) The spouse of a witness;  
(b) Otherwise related to a witness;  
(c) Biased for or against one of the parties; or  
(d) Otherwise interested in the outcome of the proceeding.

2. Before undertaking his or her duties, the interpreter shall swear or affirm that he or she will:

(a) To the best of his or her ability, ~~translate~~ *interpret* accurately to the person with ~~language barrier~~ *limited English proficiency* in the language of the person, questions and statements addressed to the person;

(b) Make a true interpretation of the statements of the person with ~~language barrier~~ *limited English proficiency* in an understandable manner; and

(c) Repeat the statements of the person with ~~language barrier in the English language~~ *limited English proficiency* to the best of his or her ability.

3. While in the proper performance of his or her duties, an interpreter has the same rights and privileges as the person with ~~language barrier~~ *limited English proficiency* including the right to examine all relevant material, but is not entitled to waive or exercise any of those rights or privileges on behalf of the person with ~~language barrier~~ *limited English proficiency*.

4. If an interpreter appointed for a person with ~~language barrier~~ *limited English proficiency* is not effectively or accurately communicating with or on behalf of the person, and that fact becomes known to the person who appointed the interpreter, another interpreter must be appointed.

5. Claims against a county, municipality, this State or any agency thereof for the compensation of an interpreter in a criminal proceeding or other proceeding for which an interpreter must be provided at public expense must be paid in the same manner as other claims against the respective entities are paid. Payment may be made only upon the certificate of the judge, magistrate or other person presiding over the proceedings that the interpreter has performed the services required and incurred the expense claimed.

6. As used in this section:

(a) “Interpreter” means a person who ~~is~~  
~~— (1) Has~~ *has* a ~~professional~~ *or registration* 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 ~~language barrier~~” *limited English 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 ~~language barrier~~ *limited English proficiency* who is a defendant ~~or a party~~ or a witness in a ~~civil or~~ criminal proceeding.

2. *If a certified or registered court interpreter is not available, a court shall appoint an interpreter in accordance with the regulations adopted pursuant to paragraph (e) of subsection 2 of NRS 1.510.*

3. As used in this section:

(a) "Interpreter" means a person who ~~+~~  
~~(1) Has~~ has a ~~professional~~ certificate *or registration* 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. *If a certified or registered court interpreter is not available, the juvenile court shall appoint an interpreter in accordance with the regulations adopted pursuant to paragraph (e) of subsection 2 of NRS 1.510.*

3. As used in this section:

(a) "Interpreter" means a person who ~~+~~  
~~(1) Has~~ has a ~~professional~~ certificate *or registration* 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.