

By: Thompson

H.B. No. 1059

A BILL TO BE ENTITLED

AN ACT

relating to certified and licensed court interpreters.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 57.001(1), Government Code, is amended to read as follows:

(1) "Certified court interpreter" means an individual who:

(A) is a qualified interpreter as defined in Article 38.31, Code of Criminal Procedure, or who meets the qualifications for an interpreter under Section 21.003, Civil Practice and Remedies Code; and

(B) is [~~or~~] certified under Subchapter B by the Texas Commission for the Deaf and Hard of Hearing to interpret court proceedings for a hearing-impaired individual.

SECTION 2. Section 57.002, Government Code, is amended to read as follows:

Sec. 57.002. APPOINTMENT OF INTERPRETER. (a) A court shall appoint one or more [~~a~~] certified court interpreters [~~interpreter~~] or [~~a~~] licensed court interpreters as necessary [~~interpreter~~] if a motion for the appointment of an interpreter is filed by a party or requested by a witness in a civil or criminal proceeding in the court.

(b) A court may, on its own motion, appoint one or more [~~a~~] certified court interpreters [~~interpreter~~] or [~~a~~] licensed court

1 interpreters as necessary [~~interpreter~~].

2 (c) In a county with a population of less than 50,000, a
3 court may appoint a spoken language interpreter who is not a
4 [~~certified or~~] licensed court interpreter if the interpreter [~~and~~
5 ~~who~~]:

6 (1) is qualified by the court as an expert under the
7 Texas Rules of Evidence;

8 (2) is at least 18 years of age; and

9 (3) is not a party to the proceeding.

10 SECTION 3. Subchapter A, Chapter 57, Government Code, is
11 amended by adding Section 57.003 to read as follows:

12 Sec. 57.003. APPLICABILITY TO RELATED PROCEDURES AND
13 EXAMINATIONS. The provisions of this chapter relating to the
14 appointment and use of a certified or licensed court interpreter in
15 a court proceeding also apply to the appointment and use of a
16 certified or licensed court interpreter in:

17 (1) a deposition;

18 (2) an alternative dispute resolution procedure to
19 which the parties have been referred by a court; and

20 (3) a court-ordered mental or physical examination.

21 SECTION 4. Section 57.022(b), Government Code, is amended
22 to read as follows:

23 (b) The commission by rule shall provide for:

24 (1) the qualifications of certified court
25 interpreters;

26 (2) training programs for certified court
27 interpreters each of which is managed by the commission or by a

1 public or private educational institution;

2 (3) the administration of examinations;

3 (4) the form for each certificate and procedures for
4 renewal of a certificate;

5 (5) the fees for training, examinations, initial
6 certification, and certification renewal;

7 (6) continuing education programs under this
8 subchapter;

9 (7) instructions for the compensation of a certified
10 court interpreter and the designation of the party or entity
11 responsible for payment of compensation; ~~and~~

12 (8) administrative sanctions enforceable by the
13 commission; and

14 (9) the establishment of guidelines and best practices
15 for certified court interpreters.

16 SECTION 5. The change in law made by this Act applies only
17 to the appointment of a court interpreter under Chapter 57,
18 Government Code, as amended by this Act, on or after the effective
19 date of this Act. The appointment of a court interpreter before the
20 effective date of this Act is governed by the law in effect when the
21 interpreter was appointed, and the former law is continued in
22 effect for that purpose.

23 SECTION 6. This Act takes effect September 1, 2003.