

BILL ANALYSIS

C.S.H.B. 1601
By: Madden
Criminal Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Smaller counties may not have sufficient resources to bring in interpreters to accommodate the many different language needs for witnesses and Class C offenders in any criminal action or proceeding. Certification requirements and cost limits the number of qualified interpreters in many counties. When interpreters must be called in from other counties, the time frame of 24 to 48 hours required becomes an issue. A timely alternative way to provide interpretation services is needed to close the existing gap. Without an alternative, the judicial process will be compromised and become lethargic and could result in a bias against non-English speaking defendants.

C.S.H.B. 1601 provides for telephone services to be utilized by counties that are not able to meet the needs of the non-English speaking individual. The telephone services would be available 24 hours a day by certified and qualified court interpreters. The bill further allows a judge to place a condition on community supervision that requires the defendant to reimburse the county for the interpreter's fee, if the prosecution utilized an interpreter at trial.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1601 allows a qualified telephone interpreter to be sworn to interpret for a person in the trial of a Class C misdemeanor or a proceeding before a magistrate if an interpreter is not available to appear in person before the court or if the only interpreter available does not possess adequate skills for the particular situation. A qualified telephone interpreter is defined by this bill to mean a telephone service that employs licensed court interpreters as defined by Section 57.001, Government Code.

The bill further allows a judge to place a condition on community supervision that requires the defendant to reimburse the county for the interpreter's fee, if the prosecution utilized an interpreter at trial.

EFFECTIVE DATE

September 1, 2005.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute differs from the original by allowing a judge to place a condition on community supervision that requires the defendant to reimburse the county for the interpreter's fee, if the prosecution utilized an interpreter at trial.