

By: Madden

H.B. No. 1601

A BILL TO BE ENTITLED

AN ACT

relating to the use of interpreter services in a criminal case.

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

SECTION 1. Article 38.30, Code of Criminal Procedure, is amended by amending Subsections (a) and (b) and adding Subsection (a-1) to read as follows:

(a) When a motion for appointment of an interpreter is filed by any party or on motion of the court, in any criminal proceeding, it is determined that a person charged or a witness does not understand and speak the English language, an interpreter must be sworn to interpret for the person charged or the witness [~~him~~]. Any person may be subpoenaed, attached or recognized in any criminal action or proceeding, to appear before the proper judge or court to act as interpreter therein, under the same rules and penalties as are provided for witnesses. In the event that the only available interpreter is not considered to possess adequate interpreting skills for the particular situation or the interpreter is not familiar with use of slang, the person charged or witness may be permitted by the court to nominate another person to act as intermediary between the person charged or witness [~~himself~~] and the appointed interpreter during the proceedings.

(a-1) A qualified telephone interpreter may be sworn to interpret for the person in the trial of a Class C misdemeanor or a proceeding before a magistrate if an interpreter is not available

1 to appear in person before the court or if the only available
2 interpreter is not considered to possess adequate interpreting
3 skills for the particular situation or is unfamiliar with the use of
4 slang. In this subsection, "qualified telephone interpreter" means
5 a telephone service that employs licensed court interpreters as
6 defined by Section 57.001, Government Code.

7 (b) Except as provided by Subsection (c) of this article,
8 interpreters appointed under the terms of this article will receive
9 from the general fund of the county for their services a sum not to
10 exceed \$100 a day as follows: interpreters shall be paid not less
11 than \$15 nor more than \$100 a day at the discretion of the judge
12 presiding, and when travel of the interpreter is involved all the
13 actual expenses of travel, lodging, and meals incurred by the
14 interpreter pertaining to the case the interpreter [~~he~~] is
15 appointed to serve shall be paid at the same rate applicable to
16 state employees.

17 SECTION 2. Section 11(a), Article 42.12, Code of Criminal
18 Procedure, is amended to read as follows:

19 (a) The judge of the court having jurisdiction of the case
20 shall determine the conditions of community supervision and may, at
21 any time, during the period of community supervision alter or
22 modify the conditions. The judge may impose any reasonable
23 condition that is designed to protect or restore the community,
24 protect or restore the victim, or punish, rehabilitate, or reform
25 the defendant. Conditions of community supervision may include,
26 but shall not be limited to, the conditions that the defendant
27 shall:

- 1 (1) Commit no offense against the laws of this State or
2 of any other State or of the United States;
- 3 (2) Avoid injurious or vicious habits;
- 4 (3) Avoid persons or places of disreputable or harmful
5 character;
- 6 (4) Report to the supervision officer as directed by
7 the judge or supervision officer and obey all rules and regulations
8 of the community supervision and corrections department;
- 9 (5) Permit the supervision officer to visit him at his
10 home or elsewhere;
- 11 (6) Work faithfully at suitable employment as far as
12 possible;
- 13 (7) Remain within a specified place;
- 14 (8) Pay his fine, if one be assessed, and all court
15 costs whether a fine be assessed or not, in one or several sums;
- 16 (9) Support his dependents;
- 17 (10) Participate, for a time specified by the judge in
18 any community-based program, including a community-service work
19 program under Section 16 of this article;
- 20 (11) Reimburse the county in which the prosecution was
21 instituted for compensation paid to appointed counsel for defending
22 him in the case, if counsel was appointed, or if he was represented
23 by a county-paid public defender, in an amount that would have been
24 paid to an appointed attorney had the county not had a public
25 defender;
- 26 (12) Remain under custodial supervision in a community
27 corrections facility, obey all rules and regulations of such

1 facility, and pay a percentage of his income to the facility for
2 room and board;

3 (13) Pay a percentage of his income to his dependents
4 for their support while under custodial supervision in a community
5 corrections facility;

6 (14) Submit to testing for alcohol or controlled
7 substances;

8 (15) Attend counseling sessions for substance abusers
9 or participate in substance abuse treatment services in a program
10 or facility approved or licensed by the Texas Commission on Alcohol
11 and Drug Abuse;

12 (16) With the consent of the victim of a misdemeanor
13 offense or of any offense under Title 7, Penal Code, participate in
14 victim-defendant mediation;

15 (17) Submit to electronic monitoring;

16 (18) Reimburse the general revenue fund for any
17 amounts paid from that fund to a victim, as defined by Article 56.01
18 of this code, of the defendant's offense or if no reimbursement is
19 required, make one payment to the fund in an amount not to exceed
20 \$50 if the offense is a misdemeanor or not to exceed \$100 if the
21 offense is a felony;

22 (19) Reimburse a law enforcement agency for the
23 analysis, storage, or disposal of raw materials, controlled
24 substances, chemical precursors, drug paraphernalia, or other
25 materials seized in connection with the offense;

26 (20) Pay all or part of the reasonable and necessary
27 costs incurred by the victim for psychological counseling made

1 necessary by the offense or for counseling and education relating
2 to acquired immune deficiency syndrome or human immunodeficiency
3 virus made necessary by the offense;

4 (21) Make one payment in an amount not to exceed \$50 to
5 a crime stoppers organization as defined by Section 414.001,
6 Government Code, and as certified by the Crime Stoppers Advisory
7 Council;

8 (22) Submit a blood sample or other specimen to the
9 Department of Public Safety under Subchapter G, Chapter 411,
10 Government Code, for the purpose of creating a DNA record of the
11 defendant; ~~and~~

12 (23) In any manner required by the judge, provide
13 public notice of the offense for which the defendant was placed on
14 community supervision in the county in which the offense was
15 committed; and

16 (24) Reimburse the county in which the prosecution was
17 instituted for compensation paid to any interpreter in the case.

18 SECTION 3. Section 11(a), Article 42.12, Code of Criminal
19 Procedure, as amended by this Act, applies only to a defendant
20 placed on community supervision on or after the effective date of
21 this Act. A defendant placed on community supervision before the
22 effective date of this Act is governed by the law in effect on the
23 date the defendant was placed on community supervision, and the
24 former law is continued in effect for that purpose.

25 SECTION 4. This Act takes effect September 1, 2005.