

By: Madden

H.B. No. 1601

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the use of telephone interpreter services in a criminal
3 case.

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

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

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

23 (a-1) A qualified telephone interpreter may be sworn to
24 interpret for the person in the trial of a Class C misdemeanor or a

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

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

18 SECTION 2. This Act takes effect September 1, 2005.