

1-1 By: Madden (Senate Sponsor - Averitt) H.B. No. 1601
1-2 (In the Senate - Received from the House April 22, 2005;
1-3 April 25, 2005, read first time and referred to Committee on
1-4 Criminal Justice; May 20, 2005, reported favorably by the
1-5 following vote: Yeas 4, Nays 0; May 20, 2005, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the use of interpreter services in a criminal case.

1-9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-10 SECTION 1. Article 38.30, Code of Criminal Procedure, is
1-11 amended by amending Subsections (a) and (b) and adding Subsection
1-12 (a-1) to read as follows:

1-13 (a) When a motion for appointment of an interpreter is filed
1-14 by any party or on motion of the court, in any criminal proceeding,
1-15 it is determined that a person charged or a witness does not
1-16 understand and speak the English language, an interpreter must be
1-17 sworn to interpret for the person charged or the witness [~~him~~]. Any
1-18 person may be subpoenaed, attached or recognized in any criminal
1-19 action or proceeding, to appear before the proper judge or court to
1-20 act as interpreter therein, under the same rules and penalties as
1-21 are provided for witnesses. In the event that the only available
1-22 interpreter is not considered to possess adequate interpreting
1-23 skills for the particular situation or the interpreter is not
1-24 familiar with use of slang, the person charged or witness may be
1-25 permitted by the court to nominate another person to act as
1-26 intermediary between the person charged or witness [~~himself~~] and
1-27 the appointed interpreter during the proceedings.

1-28 (a-1) A qualified telephone interpreter may be sworn to
1-29 interpret for the person in the trial of a Class C misdemeanor or a
1-30 proceeding before a magistrate if an interpreter is not available
1-31 to appear in person before the court or if the only available
1-32 interpreter is not considered to possess adequate interpreting
1-33 skills for the particular situation or is unfamiliar with the use of
1-34 slang. In this subsection, "qualified telephone interpreter" means
1-35 a telephone service that employs licensed court interpreters as
1-36 defined by Section 57.001, Government Code.

1-37 (b) Except as provided by Subsection (c) of this article,
1-38 interpreters appointed under the terms of this article will receive
1-39 from the general fund of the county for their services a sum not to
1-40 exceed \$100 a day as follows: interpreters shall be paid not less
1-41 than \$15 nor more than \$100 a day at the discretion of the judge
1-42 presiding, and when travel of the interpreter is involved all the
1-43 actual expenses of travel, lodging, and meals incurred by the
1-44 interpreter pertaining to the case the interpreter [~~he~~] is
1-45 appointed to serve shall be paid at the same rate applicable to
1-46 state employees.

1-47 SECTION 2. Section 11(a), Article 42.12, Code of Criminal
1-48 Procedure, is amended to read as follows:

1-49 (a) The judge of the court having jurisdiction of the case
1-50 shall determine the conditions of community supervision and may, at
1-51 any time, during the period of community supervision alter or
1-52 modify the conditions. The judge may impose any reasonable
1-53 condition that is designed to protect or restore the community,
1-54 protect or restore the victim, or punish, rehabilitate, or reform
1-55 the defendant. Conditions of community supervision may include,
1-56 but shall not be limited to, the conditions that the defendant
1-57 shall:

1-58 (1) Commit no offense against the laws of this State or
1-59 of any other State or of the United States;

1-60 (2) Avoid injurious or vicious habits;

1-61 (3) Avoid persons or places of disreputable or harmful
1-62 character;

1-63 (4) Report to the supervision officer as directed by
1-64 the judge or supervision officer and obey all rules and regulations

2-1 of the community supervision and corrections department;

2-2 (5) Permit the supervision officer to visit him at his
2-3 home or elsewhere;

2-4 (6) Work faithfully at suitable employment as far as
2-5 possible;

2-6 (7) Remain within a specified place;

2-7 (8) Pay his fine, if one be assessed, and all court
2-8 costs whether a fine be assessed or not, in one or several sums;

2-9 (9) Support his dependents;

2-10 (10) Participate, for a time specified by the judge in
2-11 any community-based program, including a community-service work
2-12 program under Section 16 of this article;

2-13 (11) Reimburse the county in which the prosecution was
2-14 instituted for compensation paid to appointed counsel for defending
2-15 him in the case, if counsel was appointed, or if he was represented
2-16 by a county-paid public defender, in an amount that would have been
2-17 paid to an appointed attorney had the county not had a public
2-18 defender;

2-19 (12) Remain under custodial supervision in a community
2-20 corrections facility, obey all rules and regulations of such
2-21 facility, and pay a percentage of his income to the facility for
2-22 room and board;

2-23 (13) Pay a percentage of his income to his dependents
2-24 for their support while under custodial supervision in a community
2-25 corrections facility;

2-26 (14) Submit to testing for alcohol or controlled
2-27 substances;

2-28 (15) Attend counseling sessions for substance abusers
2-29 or participate in substance abuse treatment services in a program
2-30 or facility approved or licensed by the Texas Commission on Alcohol
2-31 and Drug Abuse;

2-32 (16) With the consent of the victim of a misdemeanor
2-33 offense or of any offense under Title 7, Penal Code, participate in
2-34 victim-defendant mediation;

2-35 (17) Submit to electronic monitoring;

2-36 (18) Reimburse the general revenue fund for any
2-37 amounts paid from that fund to a victim, as defined by Article 56.01
2-38 of this code, of the defendant's offense or if no reimbursement is
2-39 required, make one payment to the fund in an amount not to exceed
2-40 \$50 if the offense is a misdemeanor or not to exceed \$100 if the
2-41 offense is a felony;

2-42 (19) Reimburse a law enforcement agency for the
2-43 analysis, storage, or disposal of raw materials, controlled
2-44 substances, chemical precursors, drug paraphernalia, or other
2-45 materials seized in connection with the offense;

2-46 (20) Pay all or part of the reasonable and necessary
2-47 costs incurred by the victim for psychological counseling made
2-48 necessary by the offense or for counseling and education relating
2-49 to acquired immune deficiency syndrome or human immunodeficiency
2-50 virus made necessary by the offense;

2-51 (21) Make one payment in an amount not to exceed \$50 to
2-52 a crime stoppers organization as defined by Section 414.001,
2-53 Government Code, and as certified by the Crime Stoppers Advisory
2-54 Council;

2-55 (22) Submit a blood sample or other specimen to the
2-56 Department of Public Safety under Subchapter G, Chapter 411,
2-57 Government Code, for the purpose of creating a DNA record of the
2-58 defendant; ~~and~~

2-59 (23) In any manner required by the judge, provide
2-60 public notice of the offense for which the defendant was placed on
2-61 community supervision in the county in which the offense was
2-62 committed; ~~and~~

2-63 (24) Reimburse the county in which the prosecution was
2-64 instituted for compensation paid to any interpreter in the case.

2-65 SECTION 3. Section 11(a), Article 42.12, Code of Criminal
2-66 Procedure, as amended by this Act, applies only to a defendant
2-67 placed on community supervision on or after the effective date of
2-68 this Act. A defendant placed on community supervision before the
2-69 effective date of this Act is governed by the law in effect on the

3-1 date the defendant was placed on community supervision, and the
3-2 former law is continued in effect for that purpose.

3-3 SECTION 4. This Act takes effect September 1, 2005.

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