

By: Thompson

H.B. No. 2200

Substitute the following for H.B. No. 2200:

By: Hartnett

C.S.H.B. No. 2200

A BILL TO BE ENTITLED

AN ACT

relating to the appointment of certified court interpreters.

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

SECTION 1. Section 57.001, Government Code, is amended by amending Subdivisions (1)-(3) and adding Subdivision (7) to read as follows:

(1) "Certified court interpreter" means an individual who is a qualified interpreter as defined in Article 38.31, Code of Criminal Procedure, or Section 21.003, Civil Practice and Remedies Code, or certified under Subchapter B by the Department of Assistive and Rehabilitative Services [~~Texas Commission for the Deaf and Hard of Hearing~~] to interpret court proceedings for a hearing-impaired individual.

(2) "Department" [~~"Commission"~~] means the Department of Assistive and Rehabilitative Services [~~Texas Commission for the Deaf and Hard of Hearing~~].

(3) "Commissioner" [~~"Executive director"~~] means the commissioner of the Department of Assistive and Rehabilitative Services [~~executive director of the Texas Commission for the Deaf and Hard of Hearing~~].

(7) "Court proceeding" includes an arraignment, deposition, mediation, court-ordered arbitration, or other form of alternative dispute resolution.

SECTION 2. Section 57.002(c), Government Code, is amended

1 to read as follows:

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 and who:

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

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

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

9 SECTION 3. Section 57.021, Government Code, is amended to
10 read as follows:

11 Sec. 57.021. COURT INTERPRETER CERTIFICATION PROGRAM. (a)
12 The department ~~[commission]~~ shall certify court interpreters to
13 interpret court proceedings for a hearing-impaired individual.

14 (b) The department ~~[commission]~~ may contract with public or
15 private educational institutions to administer a training program
16 and by rule may provide for suspension of training offered by an
17 institution if the training fails to meet requirements established
18 by the department ~~[commission]~~.

19 (c) The department ~~[commission]~~ shall maintain a list of
20 certified court interpreters and other persons the department
21 ~~[commission]~~ has determined are qualified to act as court
22 interpreters and shall send the list to each state court and, on
23 request, to other interested persons.

24 (d) The department ~~[commission]~~ may maintain a list of
25 persons certified by the Texas Court Reporters Association
26 ~~[Certification Board]~~ as qualified to provide communication access
27 realtime translation services for a hearing-impaired individual in

1 a court proceeding [~~specialists in real-time captioning~~] and, on
2 request, may send the list to a person or court.

3 (e) The department [~~commission~~] may accept gifts, grants,
4 or donations from private individuals, foundations, or other
5 entities to assist in administering the court interpreter
6 certification program under this section.

7 SECTION 4. Section 57.022, Government Code, is amended to
8 read as follows:

9 Sec. 57.022. CERTIFICATION; RULES. (a) The department
10 [~~commission~~] shall certify an applicant who passes the appropriate
11 examination prescribed by the department [~~commission~~] and who
12 possesses the other qualifications required by rules adopted under
13 this subchapter.

14 (b) The executive commissioner of the Health and Human
15 Services Commission [~~commission~~] by rule shall provide for:

16 (1) the qualifications of certified court
17 interpreters;

18 (2) training programs for certified court
19 interpreters each of which is managed by the department
20 [~~commission~~] or by a public or private educational institution;

21 (3) the administration of examinations;

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

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

26 (6) continuing education programs under this
27 subchapter;

1 (7) instructions for the compensation of a certified
2 court interpreter and the designation of the party or entity
3 responsible for payment of compensation; and

4 (8) administrative sanctions enforceable by the
5 department [~~commission~~].

6 SECTION 5. Sections 57.023(a) and (c), Government Code, are
7 amended to read as follows:

8 (a) The department [~~commission~~] shall prepare examinations
9 under this subchapter that test an applicant's knowledge, skill,
10 and efficiency in the field in which the applicant seeks
11 certification.

12 (c) Examinations shall be offered in the state at least
13 twice a year at times and places designated by the department
14 [~~commission~~].

15 SECTION 6. Section 57.024, Government Code, is amended to
16 read as follows:

17 Sec. 57.024. [~~EXECUTIVE DIRECTOR~~] DUTIES OF THE
18 COMMISSIONER. (a) The commissioner [~~executive director~~] shall
19 enforce this subchapter.

20 (b) The commissioner [~~executive director~~] shall investigate
21 allegations of violations of this subchapter.

22 SECTION 7. Section 57.025, Government Code, is amended to
23 read as follows:

24 Sec. 57.025. DENIAL, SUSPENSION, OR REVOCATION OF
25 CERTIFICATE. (a) The executive commissioner of the Health and
26 Human Services Commission [~~commission~~] shall adopt rules
27 establishing the grounds for denial, suspension, revocation, and

1 reinstatement of a certificate issued under this subchapter. The
2 department [~~commission~~] may revoke or suspend certification under
3 this subchapter only after a hearing.

4 (b) The department [~~commission~~] may reissue a certificate
5 to a person whose certificate has been revoked if the person applies
6 in writing to the department [~~commission~~] and shows good cause to
7 justify reissuance of the certificate.

8 SECTION 8. Section 57.026, Government Code, is amended to
9 read as follows:

10 Sec. 57.026. PROHIBITED ACTS. A person may not interpret
11 for a hearing-impaired individual at a court proceeding or
12 advertise or [7] represent that the person is [~~to be, or act as~~] a
13 certified court interpreter unless the person holds an appropriate
14 certificate under this subchapter.

15 SECTION 9. Section 57.027(b), Government Code, is amended
16 to read as follows:

17 (b) A person who violates this subchapter or a rule adopted
18 under this subchapter is subject to an administrative penalty
19 assessed by the department [~~commission~~].

20 SECTION 10. Effective September 1, 2006, Section 21.003,
21 Civil Practice and Remedies Code, is amended to read as follows:

22 Sec. 21.003. QUALIFICATIONS. The interpreter must hold a
23 current legal certificate [~~Reverse Skills Certificate,~~
24 ~~Comprehensive Skills Certificate, Master's Comprehensive Skills~~
25 ~~Certificate, or Legal Skills Certificate~~] issued by the National
26 Registry of Interpreters for the Deaf or a current court
27 interpreter certificate [~~Level III, IV, or V Certificate~~] issued by

1 the Board for Evaluation of Interpreters in the Department of
2 Assistive and Rehabilitative Services.

3 SECTION 11. Effective September 1, 2006, Article
4 38.31(g)(2), Code of Criminal Procedure, is amended to read as
5 follows:

6 (2) "Qualified interpreter" means an interpreter for
7 the deaf who holds a current legal certificate [~~Reverse Skills~~
8 ~~Certificate, Comprehensive Skills Certificate, Master's~~
9 ~~Comprehensive Skills Certificate, or Legal Skills Certificate~~]
10 issued by the National Registry of Interpreters for the Deaf or a
11 current court interpreter certificate [~~Level III, IV, or V~~
12 ~~Certificate~~] issued by the Board for Evaluation of Interpreters at
13 the Department of Assistive or Rehabilitative Services.

14 SECTION 12. (a) Except as provided by Subsection (b) of
15 this section, the change in law made by this Act applies only to the
16 appointment of a court interpreter under Chapter 57, Government
17 Code, as amended by this Act, on or after September 1, 2005. The
18 appointment of a court interpreter before September 1, 2005, is
19 governed by the law in effect when the interpreter was appointed,
20 and the former law is continued in effect for that purpose.

21 (b) Section 21.003, Civil Practice and Remedies Code, as
22 amended by this Act, and Article 38.31(g)(2), Code of Criminal
23 Procedure, as amended by this Act apply only to the qualifications
24 of a court interpreter appointed under Chapter 57, Government Code,
25 as amended by this Act, on or after September 1, 2006. The
26 qualifications of a court interpreter appointed before September 1,
27 2006, are governed by the law in effect when the interpreter was

1 appointed, and the former law is continued in effect for that
2 purpose.

3 SECTION 13. Except as otherwise provided by this Act, this
4 Act takes effect September 1, 2005.