

1-1 By: Thompson (Senate Sponsor - Carona) H.B. No. 2200
1-2 (In the Senate - Received from the House May 2, 2005;
1-3 May 3, 2005, read first time and referred to Committee on
1-4 Jurisprudence; May 13, 2005, reported favorably by the following
1-5 vote: Yeas 5, Nays 0; May 13, 2005, sent to printer.)

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

1-8 relating to the appointment of certified court interpreters.

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

1-10 SECTION 1. Section 57.001, Government Code, is amended by
1-11 amending Subdivisions (1)-(3) and adding Subdivision (7) to read as
1-12 follows:

1-13 (1) "Certified court interpreter" means an individual
1-14 who is a qualified interpreter as defined in Article 38.31, Code of
1-15 Criminal Procedure, or Section 21.003, Civil Practice and Remedies
1-16 Code, or certified under Subchapter B by the Department of
1-17 Assistive and Rehabilitative Services [~~Texas Commission for the~~
1-18 ~~Deaf and Hard of Hearing~~] to interpret court proceedings for a
1-19 hearing-impaired individual.

1-20 (2) "Department" [~~Commission~~] means the Department
1-21 of Assistive and Rehabilitative Services [~~Texas Commission for the~~
1-22 ~~Deaf and Hard of Hearing~~].

1-23 (3) "Commissioner" [~~Executive director~~] means the
1-24 commissioner of the Department of Assistive and Rehabilitative
1-25 Services [~~executive director of the Texas Commission for the Deaf~~
1-26 ~~and Hard of Hearing~~].

1-27 (7) "Court proceeding" includes an arraignment,
1-28 deposition, mediation, court-ordered arbitration, or other form of
1-29 alternative dispute resolution.

1-30 SECTION 2. Section 57.002(c), Government Code, is amended
1-31 to read as follows:

1-32 (c) In a county with a population of less than 50,000, a
1-33 court may appoint a spoken language interpreter who is not a
1-34 [~~certified or~~] licensed court interpreter and who:

1-35 (1) is qualified by the court as an expert under the
1-36 Texas Rules of Evidence;

1-37 (2) is at least 18 years of age; and

1-38 (3) is not a party to the proceeding.

1-39 SECTION 3. Section 57.021, Government Code, is amended to
1-40 read as follows:

1-41 Sec. 57.021. COURT INTERPRETER CERTIFICATION PROGRAM. (a)
1-42 The department [~~commission~~] shall certify court interpreters to
1-43 interpret court proceedings for a hearing-impaired individual.

1-44 (b) The department [~~commission~~] may contract with public or
1-45 private educational institutions to administer a training program
1-46 and by rule may provide for suspension of training offered by an
1-47 institution if the training fails to meet requirements established
1-48 by the department [~~commission~~].

1-49 (c) The department [~~commission~~] shall maintain a list of
1-50 certified court interpreters and other persons the department
1-51 [~~commission~~] has determined are qualified to act as court
1-52 interpreters and shall send the list to each state court and, on
1-53 request, to other interested persons.

1-54 (d) The department [~~commission~~] may maintain a list of
1-55 persons certified by the Texas Court Reporters Association
1-56 [~~Certification Board~~] as qualified to provide communication access
1-57 real-time translation services for a hearing-impaired individual
1-58 in a court proceeding [~~specialists in real-time captioning~~] and, on
1-59 request, may send the list to a person or court.

1-60 (e) The department [~~commission~~] may accept gifts, grants,
1-61 or donations from private individuals, foundations, or other
1-62 entities to assist in administering the court interpreter
1-63 certification program under this section.

1-64 SECTION 4. Section 57.022, Government Code, is amended to

2-1 read as follows:

2-2 Sec. 57.022. CERTIFICATION; RULES. (a) The department
2-3 [~~commission~~] shall certify an applicant who passes the appropriate
2-4 examination prescribed by the department [~~commission~~] and who
2-5 possesses the other qualifications required by rules adopted under
2-6 this subchapter.

2-7 (b) The executive commissioner of the Health and Human
2-8 Services Commission [~~commission~~] by rule shall provide for:

2-9 (1) the qualifications of certified court
2-10 interpreters;

2-11 (2) training programs for certified court
2-12 interpreters each of which is managed by the department
2-13 [~~commission~~] or by a public or private educational institution;

2-14 (3) the administration of examinations;

2-15 (4) the form for each certificate and procedures for
2-16 renewal of a certificate;

2-17 (5) the fees for training, examinations, initial
2-18 certification, and certification renewal;

2-19 (6) continuing education programs under this
2-20 subchapter;

2-21 (7) instructions for the compensation of a certified
2-22 court interpreter and the designation of the party or entity
2-23 responsible for payment of compensation; and

2-24 (8) administrative sanctions enforceable by the
2-25 department [~~commission~~].

2-26 SECTION 5. Sections 57.023(a) and (c), Government Code, are
2-27 amended to read as follows:

2-28 (a) The department [~~commission~~] shall prepare examinations
2-29 under this subchapter that test an applicant's knowledge, skill,
2-30 and efficiency in the field in which the applicant seeks
2-31 certification.

2-32 (c) Examinations shall be offered in the state at least
2-33 twice a year at times and places designated by the department
2-34 [~~commission~~].

2-35 SECTION 6. Section 57.024, Government Code, is amended to
2-36 read as follows:

2-37 Sec. 57.024. [~~EXECUTIVE DIRECTOR~~] DUTIES OF THE
2-38 COMMISSIONER. (a) The commissioner [~~executive director~~] shall
2-39 enforce this subchapter.

2-40 (b) The commissioner [~~executive director~~] shall investigate
2-41 allegations of violations of this subchapter.

2-42 SECTION 7. Section 57.025, Government Code, is amended to
2-43 read as follows:

2-44 Sec. 57.025. DENIAL, SUSPENSION, OR REVOCATION OF
2-45 CERTIFICATE. (a) The executive commissioner of the Health and
2-46 Human Services Commission [~~commission~~] shall adopt rules
2-47 establishing the grounds for denial, suspension, revocation, and
2-48 reinstatement of a certificate issued under this subchapter. The
2-49 department [~~commission~~] may revoke or suspend certification under
2-50 this subchapter only after a hearing.

2-51 (b) The department [~~commission~~] may reissue a certificate
2-52 to a person whose certificate has been revoked if the person applies
2-53 in writing to the department [~~commission~~] and shows good cause to
2-54 justify reissuance of the certificate.

2-55 SECTION 8. Section 57.026, Government Code, is amended to
2-56 read as follows:

2-57 Sec. 57.026. PROHIBITED ACTS. A person may not interpret
2-58 for a hearing-impaired individual at a court proceeding or
2-59 advertise or [7] represent that the person is [to be, or act as] a
2-60 certified court interpreter unless the person holds an appropriate
2-61 certificate under this subchapter.

2-62 SECTION 9. Section 57.027(b), Government Code, is amended
2-63 to read as follows:

2-64 (b) A person who violates this subchapter or a rule adopted
2-65 under this subchapter is subject to an administrative penalty
2-66 assessed by the department [~~commission~~].

2-67 SECTION 10. Effective September 1, 2006, Section 21.003,
2-68 Civil Practice and Remedies Code, is amended to read as follows:

2-69 Sec. 21.003. QUALIFICATIONS. The interpreter must hold a

3-1 current legal certificate [~~Reverse Skills Certificate,~~
3-2 ~~Comprehensive Skills Certificate, Master's Comprehensive Skills~~
3-3 ~~Certificate, or Legal Skills Certificate~~] issued by the National
3-4 Registry of Interpreters for the Deaf or a current court
3-5 interpreter certificate [~~Level III, IV, or V Certificate~~] issued by
3-6 the Board for Evaluation of Interpreters in the Department of
3-7 Assistive and Rehabilitative Services.

3-8 SECTION 11. Effective September 1, 2006, Article
3-9 38.31(g)(2), Code of Criminal Procedure, is amended to read as
3-10 follows:

3-11 (2) "Qualified interpreter" means an interpreter for
3-12 the deaf who holds a current legal certificate [~~Reverse Skills~~
3-13 ~~Certificate, Comprehensive Skills Certificate, Master's~~
3-14 ~~Comprehensive Skills Certificate, or Legal Skills Certificate~~]
3-15 issued by the National Registry of Interpreters for the Deaf or a
3-16 current court interpreter certificate [~~Level III, IV, or V~~
3-17 ~~Certificate~~] issued by the Board for Evaluation of Interpreters at
3-18 the Department of Assistive or Rehabilitative Services.

3-19 SECTION 12. (a) Except as provided by Subsection (b) of
3-20 this section, the change in law made by this Act applies only to the
3-21 appointment of a court interpreter under Chapter 57, Government
3-22 Code, as amended by this Act, on or after September 1, 2005. The
3-23 appointment of a court interpreter before September 1, 2005, is
3-24 governed by the law in effect when the interpreter was appointed,
3-25 and the former law is continued in effect for that purpose.

3-26 (b) Section 21.003, Civil Practice and Remedies Code, as
3-27 amended by this Act, and Article 38.31(g)(2), Code of Criminal
3-28 Procedure, as amended by this Act apply only to the qualifications
3-29 of a court interpreter appointed under Chapter 57, Government Code,
3-30 as amended by this Act, on or after September 1, 2006. The
3-31 qualifications of a court interpreter appointed before September 1,
3-32 2006, are governed by the law in effect when the interpreter was
3-33 appointed, and the former law is continued in effect for that
3-34 purpose.

3-35 SECTION 13. Except as otherwise provided by this Act, this
3-36 Act takes effect September 1, 2005.

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