

## **BILL ANALYSIS**

C.S.S.B. 1620  
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Judiciary & Civil Jurisprudence  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Interested parties assert that translators who are able to immediately translate the spoken word into English text would be able to benefit parties to court proceedings where interpreters are needed. These translators are known as communication access realtime translation (CART) providers. C.S.S.B. 1620, among other provisions, seeks to allow parties to a court proceeding to request a certified CART provider for an individual who has a hearing impairment in addition to having the option to request a certified court interpreter for such an individual.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.S.B. 1620 amends the Government Code to require a court to appoint a certified communication access realtime translation (CART) provider, defined in the bill as an individual who holds a certification to provide CART services at an advanced or master level issued by the Texas Court Reporters Association or another certification association selected by the Department of Assistive and Rehabilitative Services (DARS), for an individual who has a hearing impairment if a motion for the appointment of a provider is filed by a party or requested by a witness in a civil or criminal proceeding in the court. The bill authorizes a court, on its own motion, to appoint a certified CART provider for an individual who has a hearing impairment. The bill defines "communication access realtime translation" or "CART" as the immediate verbatim translation of the spoken word into English text by a certified CART provider. The bill repeals a statutory provision authorizing DARS to maintain a list of persons certified by the Texas Court Reporters Association as qualified to provide communication access real-time translation services for a hearing-impaired individual in a court proceeding and instead requires DARS to maintain a list of certified CART providers and authorizes DARS to send the list to a person or court on request. The bill clarifies statutory provisions relating to the appointment of an interpreter by a court to specify that the appointment of a certified court interpreter is for an individual who has a hearing impairment and the appointment of a licensed court interpreter is for an individual who can hear but does not comprehend or communicate in English.

C.S.S.B. 1620 repeals Sections 57.001(6) and 57.021(d), Government Code.

### **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2013.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.S.B. 1620 may differ from the engrossed version in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial

differences between the engrossed and committee substitute versions of the bill.

SENATE ENGROSSED

SECTION 1. Section 57.001, Government Code, is amended to read as follows:

Sec. 57.001. DEFINITIONS. In this subchapter and for purposes of Subchapter B:

(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 to interpret court proceedings for a hearing-impaired individual.

(2) "Department" means the Department of Assistive and Rehabilitative Services.

(3) "Commissioner" means the commissioner of the Department of Assistive and Rehabilitative Services.

(4) "Hearing-impaired individual" means an individual who has a hearing impairment, regardless of whether the individual also has a speech impairment, that inhibits the individual's comprehension of proceedings or communication with others.

(5) "Licensed court interpreter" means an individual licensed under Subchapter C by the Texas Commission of Licensing and Regulation to interpret court proceedings for an individual who can hear but who does not comprehend English or communicate in English.

(6) "Communication Access Realtime Translation" (CART) [~~"Real-time captioning"~~] means the immediate verbatim translation of the spoken word into English text by a certified CART provider [~~transcribing the spoken words of an oral proceeding to simultaneously project the words on a screen~~].

(7) "Certified CART provider" means a person currently certified by the Texas Court Reporters Association as qualified to provide CART services at the Advanced or Master Level.

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

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 57.001, Government Code, is amended by adding Subdivisions (8) and (9) to read as follows:

(8) "Communication access realtime translation" or "CART" means the immediate verbatim translation of the spoken word into English text by a certified CART provider.

*(See also repealed Sec. 57.001(6), Government Code, in SECTION 4 below.)*

(9) "Certified CART provider" means an individual who holds a certification to provide communication access realtime translation services at an advanced or master level issued by the Texas Court Reporters Association or another certification association selected by the department.

No equivalent provision.

SECTION 2. Subsections (a) and (b), Section 57.002, Government Code, are amended to read as follows:

(a) A court shall appoint a certified court interpreter, a certified CART provider, or a licensed court interpreter if a motion for the appointment of an interpreter is filed by a party or requested by a witness in a civil or criminal proceeding in the court.

(b) A court may, on its own motion, appoint a certified court interpreter, a certified CART provider, or a licensed court interpreter.

SECTION 3. Subsection (d), Section 57.021, Government Code, is amended to read as follows:

(d) The department shall ~~may~~ maintain a list of certified CART providers ~~[persons certified by the Texas Court Reporters Association as qualified to provide communication access real-time translation services for a hearing-impaired individual in a court proceeding]~~ and, on request, may send the list to a person or court.

*(See stricken language in Sec. 57.001(6) of SECTION 1 above and in Sec. 57.021(d) of SECTION 3 above.)*

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate

SECTION 2. The heading to Section 57.002, Government Code, is amended to read as follows:

Sec. 57.002. APPOINTMENT OF INTERPRETER OR CART PROVIDER; CART PROVIDER LIST.

SECTION 3. Section 57.002, Government Code, is amended by amending Subsections (a) and (b) and adding Subsection (f) to read as follows:

(a) A court shall appoint a certified court interpreter or a certified CART provider ~~for an individual who has a hearing impairment~~ or a licensed court interpreter ~~for an individual who can hear but does not comprehend or communicate in English~~ if a motion for the appointment of an interpreter or provider is filed by a party or requested by a witness in a civil or criminal proceeding in the court.

(b) A court may, on its own motion, appoint a certified court interpreter or a certified CART provider ~~for an individual who has a hearing impairment~~ or a licensed court interpreter ~~for an individual who can hear but does not comprehend or communicate in English.~~

(f) The department shall maintain a list of certified CART providers and, on request, may send the list to a person or court. *(See also repealed Sec. 57.021(d), Government Code, in SECTION 4 below.)*

SECTION 4. Sections 57.001(6) and 57.021(d), Government Code, are repealed.

SECTION 5. Same as engrossed version.

effect, this Act takes effect September 1,  
2013.