

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 1537
By: Zaffirini
Criminal Justice
3/25/2025
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In criminal cases, persons who do not speak English need qualified interpreters to understand the proceedings and guarantee due process of law. Article 38.30(a), Code of Criminal Procedure, however, does not require interpreters to be licensed or certified, stating only that "any person may be appointed to interpret. This ambiguity leads to inconsistent interpreter qualifications, creating risks of miscommunication, unfair trials, and due process violations.

By contrast, Section 57.002, Government Code, sets clear qualifications for court interpreters in both civil and criminal cases. It requires courts to appoint licensed court interpreters for spoken language translation. It also allows courts to appoint non-licensed interpreters only in limited situations, such as:

- When a case is in a county with fewer than 50,000 residents, and no licensed interpreter is available.
- When the required language is not Spanish, and no licensed interpreter is available within 75 miles.
- When a non-licensed interpreter is qualified as an expert witness under the Texas Rules of Evidence.

Because Article 38.30(a) does not explicitly reference these requirements, some courts fail to consistently apply them in criminal cases, creating uncertainty and inconsistent enforcement, even though case law has affirmed that courts must follow the Government Code's standards.

S.B. 1537 would explicitly reference the interpreter appointment requirements in the Government Code within the Code of Criminal Procedure. By aligning these codes, S.B. 1537 would clarify existing requirements, ensure consistent application of interpreter qualifications in criminal cases, reduce legal challenges and appeals, standardize court practices, and reinforce compliance with federal law and guidance.

(Original Author's/Sponsor's Statement of Intent)

C.S.S.B. 1537 amends current law relating to the appointment of an interpreter in a criminal proceeding.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article 38.30(a), Code of Criminal Procedure, as follows:

- (a) Requires an interpreter in any criminal proceeding, when a motion for appointment of an interpreter is filed by any party or on motion of the court and if the court determines, rather than when a motion for appointment of an interpreter is filed by any party or on motion of the court in any criminal proceeding it is determined, that a person charged or a witness does not understand and speak the English language, to be appointed as provided

by Section 57.002 (Appointment of Interpreter of Court Provider; Court Provider List; Payment of Interpreter Costs), Government Code, and sworn to interpret for the person charged or the witness. Authorizes any person, subject to Section 57.002, Government Code, to be subpoenaed, attached, or recognized in any criminal action or proceeding to appear before the proper judge or court to act as interpreter under the same rules and penalties as are provided for witnesses. Makes nonsubstantive changes.

SECTION 2. Effective date: upon passage or September 1, 2025.