

# Senate Bill 797

Sponsored by Senator PROZANSKI

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Clarifies that court may charge fee to non-English-speaking party who is not unable to pay for services of interpreter in proceeding.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to interpreters; amending ORS 45.275; and declaring an emergency.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 45.275, as amended by section 39, chapter 107, Oregon Laws 2012, is amended  
5 to read:

6 45.275. (1) The court shall appoint a qualified interpreter in a civil or criminal proceeding, and  
7 a hearing officer or the designee of a hearing officer shall appoint a qualified interpreter in an  
8 adjudicatory proceeding, whenever it is necessary:

9 (a) To interpret the proceedings to a non-English-speaking party;

10 (b) To interpret the testimony of a non-English-speaking party or witness; or

11 (c) To assist the court, agency or hearing officer in performing the duties and responsibilities  
12 of the court, agency or hearing officer.

13 (2)(a) A fee may not be charged to any person for the appointment of an interpreter to interpret  
14 testimony of a non-English-speaking party or witness, or to assist the court, agency or hearing offi-  
15 cer in performing the duties and responsibilities of the court, agency or hearing officer.

16 (b) A fee may not be charged to a non-English-speaking party who is unable to pay for the ap-  
17 pointment of an interpreter to interpret the proceedings to the non-English-speaking party.

18 (c) **A fee may be charged to a non-English-speaking party who is not unable to pay for**  
19 **the appointment of an interpreter to interpret the proceedings to the non-English-speaking**  
20 **party.**

21 (d) A fee may not be charged to any person for the appointment of an interpreter if appointment  
22 is made to determine whether the person is unable to pay or non-English-speaking for the purposes  
23 of this section.

24 (3) A non-English-speaking party is considered unable to pay for an interpreter for the purposes  
25 of this section if:

26 (a) The party makes a verified statement and provides other information in writing under oath  
27 showing financial inability to pay for a qualified interpreter, and provides any other information  
28 required by the court or agency concerning the inability to pay for such an interpreter; and

29 (b) It appears to the court or agency that the party is in fact unable to pay for a qualified in-  
30 terpreter.

31 (4) Fair compensation for the services of an interpreter appointed under this section shall be

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.  
New sections are in **boldfaced** type.

1 paid:

2 (a) By the county, subject to the approval of the terms of the contract by the governing body  
3 of the county, in a proceeding in a county or justice court.

4 (b) By the city, subject to the approval of the terms of the contract by the governing body of  
5 the city, in a proceeding in a municipal court.

6 (c) By the state in a proceeding in a circuit court. Amounts payable by the state are not payable  
7 from the Public Defense Services Account established by ORS 151.225 or from moneys appropriated  
8 to the Public Defense Services Commission. Fees of an interpreter necessary for the purpose of  
9 communication between appointed counsel and a client or witness in a criminal case are payable  
10 from the Public Defense Services Account or from moneys appropriated to the Public Defense Ser-  
11 vices Commission.

12 (d) By the agency in an adjudicatory proceeding.

13 (5) If a party or witness is dissatisfied with the interpreter appointed by the court, the hearing  
14 officer or the designee of the hearing officer, the party or witness may request the appointment of  
15 a different certified interpreter. A request under this subsection must be made in a manner con-  
16 sistent with the policies and notice requirements of the court or agency relating to the appointment  
17 and scheduling of interpreters. If the substitution of another interpreter will delay the proceeding,  
18 the person making the request must show good cause for the substitution. Any party may object to  
19 use of any interpreter for good cause. Unless the court, hearing officer or the designee of the  
20 hearing officer has appointed a different interpreter for cause, the party using any interpreter other  
21 than the interpreter originally appointed by the court, hearing officer or the designee of the hearing  
22 officer shall bear any additional costs beyond the amount required to pay the original interpreter.

23 (6) A judge or hearing officer, on the judge's or hearing officer's own motion, may substitute a  
24 different interpreter for the interpreter initially appointed in a proceeding. A judge or hearing offi-  
25 cer may make a substitution under this subsection at any time and for any reason.

26 (7) A court may allow as costs reasonable expenses incurred by a party in employing the ser-  
27 vices of an interpreter in civil proceedings in the manner provided by ORCP 68.

28 (8) A court, a hearing officer or the designee of a hearing officer shall require any person  
29 serving as an interpreter for the court or agency to state the person's name on the record and  
30 whether the person is certified under ORS 45.291. If the person is certified under ORS 45.291, the  
31 interpreter need not make the oath or affirmation required by ORS 40.325 or submit the interpreter's  
32 qualifications on the record. If the person is not certified under ORS 45.291, the interpreter must  
33 make the oath or affirmation required by ORS 40.325 and submit the interpreter's qualifications on  
34 the record.

35 (9) For the purposes of this section:

36 (a) "Hearing officer" includes an administrative law judge.

37 (b) "Non-English-speaking person" means a person who, by reason of place of birth or culture,  
38 speaks a language other than English and does not speak English with adequate ability to commu-  
39 nicate effectively in the proceedings.

40 (c) "Qualified interpreter" means a person who is readily able to communicate with the non-  
41 English-speaking person and who can orally transfer the meaning of statements to and from English  
42 and the language spoken by the non-English-speaking person. A qualified interpreter must be able  
43 to interpret in a manner that conserves the meaning, tone, level, style and register of the original  
44 statement, without additions or omissions. "Qualified interpreter" does not include any person who  
45 is unable to interpret the dialect, slang or specialized vocabulary used by the party or witness.

1        **SECTION 2.** This 2013 Act being necessary for the immediate preservation of the public  
2        peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect  
3        on its passage.  
4

---