

STAFF MEASURE SUMMARY

Senate Committee On Judiciary

Fiscal: Has minimal fiscal impact

Revenue: No Revenue Impact

Action Date: 04/06/15

Action: Do Pass.

Meeting Dates: 03/26, 04/06

Vote:

Yeas: 5 - Burdick, Gelser, Kruse, Prozanski, Thatcher

Prepared By: Channa Newell, Counsel

WHAT THE MEASURE DOES:

Requires public employer of arresting officer to pay for qualified interpreter for person with disability upon arrest. Removes requirement that person with disability make verified statement and provide information in writing under oath, following arrest, as to inability to obtain qualified interpreter. Removes requirement that court make determination on means and ability of person with disability.

ISSUES DISCUSSED:

- Incident in Lane County challenged law under Americans with Disabilities Act
- Americans with Disabilities Act prohibits discrimination based on disability
- Agencies may not charge individuals for communication aids or devices

EFFECT OF COMMITTEE AMENDMENT:

No amendment.

BACKGROUND:

Currently, Oregon law requires an interpreter be made available at the earliest time possible after arrest to a person with a physical hearing impairment or speaking impairment. The court determines responsibility for the fees and expenses of an interpreter after receiving a verified statement and writings under oath from the person with a disability as to his or her inability to pay for the interpreter. If it appears to the court that the person cannot pay, then the public employer of the arresting officer must pay for the interpreter. The Americans with Disabilities Act requires public agencies to ensure effective communication with hearing or speaking impaired individuals at no cost to the individual.

Senate Bill 740 requires the employer of the arresting officer to pay for the interpreter, regardless of whether the person shows that he or she could obtain an interpreter. This brings Oregon law into alignment with federal law.