

STAFF MEASURE SUMMARY

House Committee On Judiciary

**Fiscal:** Has minimal fiscal impact

**Revenue:** No Revenue Impact

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**Action Date:** 05/20/15

**Action:** Do Pass.

**Meeting Dates:** 04/28, 05/20

**Vote:**

Yeas: 9 - Barker, Barton, Greenlick, Krieger, Lininger, Olson, Post, Sprenger, Williamson

**Prepared By:** Channa Newell, Counsel

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**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:**

- Compliance with Americans with Disabilities Act
- Original intent of ORS 133.515
- Interpreter must be provided unless it would cause undue burden on law enforcement
- Other statutes provide interpretive services during court proceedings

**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 could show that he or she could or could not obtain an interpreter. This brings Oregon law into alignment with federal law.