

HB 2480 A STAFF MEASURE SUMMARY

Carrier: Rep. Gorsek

House Committee On Judiciary

Action Date: 04/04/19

Action: Do pass with amendments. (Printed A-Eng.)

Vote: 11-0-0-0

Yeas: 11 - Barker, Bynum, Gorsek, Greenlick, Lewis, McLane, Piluso, Power, Sprenger, Stark, Williamson

Fiscal: Has minimal fiscal impact

Revenue: No revenue impact

Prepared By: Gillian Fischer, Counsel

Meeting Dates: 4/1, 4/4

WHAT THE MEASURE DOES:

Provides that a statement is not hearsay if it purports to be an interpretation from one language to another of an otherwise admissible statement and the interpreter testifies at trial.

ISSUES DISCUSSED:

- Removes barriers in criminal justice system for non-English speaking individuals
- Maintains assurances of competency of interpreters
- Consistent with constitutional right of confrontation
- Requires interpreter testify at trial for admissibility of statement

EFFECT OF AMENDMENT:

Replaces the measure.

BACKGROUND:

Hearsay is a statement, other than one made by the declarant while testifying at the trial or hearing, offered in evidence to prove the truth of the matter asserted. In *State v. Montoya-Franco*, the Court of Appeals of Oregon held that an out-of-court translation of a non-English speaker's statements to a third party constitutes hearsay because the interpreter's translation constitutes an assertion of the English meaning of the original translation. *State v. Montoya-Franco*, 250 Ore. App. 665, (2012).

House Bill 2480 A provides an exception to this rule when the interpreter is present at trial and subject to cross examination, allowing the underlying statement to be introduced as non-hearsay if it was otherwise admissible but for the interpretation of the statement.