

**TESTIMONY ON HB 3231
BEFORE THE HOUSE COMMITTEE ON HEALTH CARE
APRIL 6, 2021**

**PRESENTED BY: ERIN PETTIGREW, ACCESS TO JUSTICE COUNSEL FOR
LEGISLATIVE AFFAIRS
OREGON JUDICIAL DEPARTMENT**

Chair Prusak, Vice Chairs Hayden and Salinas, and Members of the Committee:

My name is Erin Pettigrew, and I am the Access to Justice Counsel for Legislative Affairs at the Oregon Judicial Department (OJD). I am here to convey OJD's support of House Bill 3231 with the -2 amendment.

House Bill 3231 creates a licensure program for sign language interpreters. We recognize and support the proponents' goal of ensuring that consumers are receiving high-quality interpretation services from well-qualified and credentialed interpreters who are well trained to meet the need in medical, educational, legal and other settings. Excellence in interpretation serves Oregon's Deaf and hard-of-hearing communities and our state at large.

Under ORS 45.291, the Oregon Judicial Department, through our Court Language Access Services (CLAS) program, currently certifies and publishes a roster of Oregon Court Certified interpreters including sign language interpreters. The Oregon Judicial Department has structured and provisioned CLAS to meet the dynamic needs of Oregon's state courts. This flexibility is extremely important to allow courts to comply with the Americans with Disabilities Act, and other federal and state statutes and constitutional requirements.

As written, House Bill 3231 would not have allowed the courts to qualify and appoint interpreters who were not licensed by the Board of Sign Language Interpreters. Oregon case law requires the court to ensure that a person is not only provided with an interpreter that speaks the same language as the person, but also the same dialect, so that any specific jargon, slang, or local language variance is correctly interpreted in the court proceeding. At times factors such as short statutory timelines, rare sign language needs, multi-day proceedings or high request volumes may require a judge to qualify and appoint a non-licensed interpreter (e.g. from out-of-state) without the time for the interpreter to become licensed with the Board of Sign Language Interpreters as contemplated by the bill as introduced.

Considering OJD's unique circumstances, we worked closely with the proponents and the Chief Sponsor, Representative Rayfield, to develop the -2 amendment, which addresses our discrete concern regarding court interpretation. The court-impact provisions of the -2 amendment allows an interpreter qualified under ORS 45.288 or a court interpreter certified under ORS 45.291 to provide signed language interpretation services for the purpose of a proceeding in the Supreme Court, Court of Appeals, Oregon Tax Court, or a circuit court, or at the direction or with the approval of the Chief Justice of the Supreme Court or the presiding judge of the court in which the proceeding occurs. This amendment advances the goals of ensuring that all Oregonians receive appropriate interpretation services from skilled interpreters, while also preserving judicial flexibility and ensuring that parties' constitutional rights are protected. We are grateful to Representative Rayfield and the leaders of the Oregon Registry of Interpreters for the Deaf for their engagement and interest in finding a solution.

Thank you for giving us the opportunity to explain our position on HB 3231. We are very pleased to support the concept with the -2 amendment, and I am happy to answer any questions.