

AMENDED IN SENATE AUGUST 12, 2008

AMENDED IN SENATE AUGUST 4, 2008

AMENDED IN SENATE JULY 2, 2008

AMENDED IN ASSEMBLY MAY 23, 2008

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 3050

**Introduced by Committee on Judiciary (Jones (Chair), Evans,
Feuer, Krekorian, Laird, Levine, and Lieber)**

February 28, 2008

An act to add Article 9.6 (commencing with Section 6159.5) to Chapter 4 of Division 3 of the Business and Professions Code, to add Section 367.6 to the Code of Civil Procedure, to add Sections 756 and 756.5 to the Evidence Code, and to amend Section 68563 of the Government Code, relating to legal services.

LEGISLATIVE COUNSEL'S DIGEST

AB 3050, as amended, Committee on Judiciary. Legal aid: court interpreters: appearances by telephone.

(1) Existing law, the State Bar Act, provides for the licensure and regulation of attorneys by the State Bar of California, a public corporation. Existing law provides that it is the duty of an attorney to, among other things, never reject, for any consideration personal to himself or herself, the cause of the defenseless or oppressed. Existing law provides that a lawyer may fulfill his or her ethical commitment to provide pro bono services, in part, by providing financial support to organizations providing free legal services to persons of limited means.

This bill would prohibit a person or organization that is not a legal aid organization, as defined, from using the term “legal aid,” or any variant or similar name in any firm name, trade name, fictitious business name, or other designation, or on any advertisement, letterhead, business card, or sign. The bill would subject a person or organization that violates this prohibition to specified civil liability.

(2) Existing law provides that, in all general civil cases, as defined, a party who has provided notice may appear by telephone at certain conferences, hearings, and proceedings, except as specified.

This bill would require the Judicial Council, on or before ~~June 30~~ *July 1, 2009*, and periodically as appropriate, to enter into one or more master agreements with a vendor or vendors to provide for telephone appearances in civil cases under the provisions described above, or as otherwise permitted by law. The bill would impose requirements regarding those master agreements, including that the vendor charge a party for an appearance by telephone in an amount set by the Judicial Council, and that the vendor pay to the state \$20 for each appearance by telephone. The bill would require those funds to be deposited in the Trial Court Trust Fund and used, upon appropriation, for specified purposes. The bill would require the Judicial Council, beginning July 1, 2011, to allocate funding for services that were previously funded by revenue received from providing telephone appearances in an amount not greater than the amount of revenue that court received for providing telephone appearances in the 2007–08 fiscal year. Certain of these provisions would become operative only if SB 1407 of the 2007–08 Regular Session is enacted and becomes operative on or before January 1, 2009.

(3) Existing law requires that, when a witness is incapable of understanding the English language or is incapable of expressing himself or herself in the English language so as to be understood directly by counsel, court, and jury, an interpreter be sworn to interpret for him or her.

This bill would require the Judicial Council, by September 1, 2009, to establish a working group to review, identify, and develop best practices to provide interpreters in civil actions and proceedings, as specified. The bill would require the Judicial Council to select up to 5 courts to participate in a pilot project, to commence on July 1, 2010, and end on June 30, 2013, to provide interpreters in civil proceedings.

(4) Existing law requires the Judicial Council to conduct a study of language and interpreter use and need in court proceedings, with

commentary, and to report its findings and recommendations to the Governor and to the Legislature every 5 years. Existing law requires that this study serve as the basis for determining the need to establish interpreter programs and certification and establishing these programs and examinations through the normal budgetary process.

This bill would require, in addition, that the study described above serve as the basis of determining the need for and use of interpreters in civil and criminal court proceedings. The bill would require trial courts to collect and report the use of interpreters in all criminal and civil proceedings in the manner specified by the Judicial Council.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature hereby finds and declares all of
2 the following:
3 (a) California is emblematic of the American dream, a place of
4 stunning natural beauty, a seat of international commerce, and a
5 land of unparalleled opportunity. As a result, California is the most
6 populous and demographically diverse state in the nation, a meeting
7 place of cultures, ethnicities, and ideas unlike any other in the
8 world. Of the state's 34 million people, about 26 percent (roughly
9 8.8 million people) are foreign born. Californians speak more than
10 220 languages, and 40 percent of the state's population speaks a
11 language other than English in the home. This extraordinary
12 diversity is among the state's greatest assets and has helped make
13 California an international leader in business, the arts,
14 entertainment, engineering, medicine, and other fields. The state's
15 diversity also poses unique challenges for the delivery of
16 government services, particularly for the courts.
17 (b) For Californians not proficient in English, the prospect of
18 navigating the legal system is daunting, especially for the growing
19 number of parties who do not have access to legal services and
20 therefore have no choice but to represent themselves in court,
21 which is a virtually impossible task for people who are unable to
22 understand the proceedings. Nearly seven million Californians
23 cannot access the courts without significant language assistance,
24 cannot understand pleadings, forms, or other legal documents,
25 cannot communicate with clerks or court staff, and cannot

1 understand or participate meaningfully in court proceedings, much
2 less effectively present their cases without a qualified interpreter.
3 People with limited English proficiency are also often members
4 of groups whose cultural traits or economic circumstances make
5 them more likely to be subjected to legal problems, in part because
6 perpetrators recognize their victims' limited ability to access
7 judicial protection. It is essential to provide English learners and
8 other non-English-speaking litigants with interpreters in order to
9 provide full and equal access to our justice system without regard
10 to language.

11 (c) The Legislature has previously recognized that the number
12 of persons with limited English proficiency in California is
13 increasing and recognized the need to provide equal justice under
14 the law to all California residents and to provide for their special
15 needs in their relations with the judicial and administrative law
16 system. The Legislature has likewise recognized that the effective
17 maintenance of a democratic society depends on the right and
18 ability of its residents to communicate with their government and
19 the right and ability of the government to communicate with them.

20 (d) Inadequate resources to assist litigants with limited English
21 proficiency affect the court's ability to function properly, causing
22 delays in proceedings for all court users, inappropriate defaults,
23 and faulty interpretation that can ultimately subvert justice. Court
24 interpreter services are a core court function. Our judicial system
25 relies on the adversarial process in which neutral arbiters decide
26 disputes based upon competing presentations of facts and law.
27 Conducting court proceedings when one party is incapable of fully
28 participating significantly impairs the quality and efficiency of the
29 process and its results, including compliance with court orders.
30 The courts have made significant efforts to assist litigants with
31 limited English proficiency, including steps to increase the number
32 of certified and registered interpreters and to provide interpreters
33 in civil cases, if resources are available. Nevertheless, court
34 proceedings are required to be conducted in English, and most
35 crucial court forms and documents are available only in English,
36 while the number of skilled interpreters has actually declined over
37 the past decade and the number of persons requiring interpreter
38 services has increased. As a result, a qualified interpreter is not
39 provided in most civil proceedings.

1 (e) The inability to respond to the language needs of parties in
2 court impairs trust and confidence in the judicial system and
3 undermines efforts to secure justice for all. The authority of the
4 courts depends on public perceptions of fairness and accessibility.
5 Any significant erosion of public trust and confidence in the
6 fairness of judicial outcomes threatens the future legitimacy of the
7 legal system. By excluding a large segment of the population from
8 participation in an institution that shapes and reflects our values,
9 we threaten the integrity of the judicial process. Resentment
10 fostered by the inability to access the benefits of the court system
11 can ultimately impair enforcement of judicial decrees and attenuate
12 the rule of law.

13 (f) Reliance on untrained interpreters, such as family members
14 or children, can lead to faulty translations and threaten the court's
15 ability to ensure justice. Court interpretation is extremely difficult
16 and takes a rare combination of skills, experience, and training.
17 Apart from the possibility of fraud, unqualified interpreters often
18 fail to accurately and comprehensively convey questions and distort
19 testimony by omitting or adding information, or by stylistically
20 altering the tone and intent of the speaker, thereby preventing
21 courts from hearing the testimony properly. These problems
22 compromise the factfinding process and can result in genuine
23 injustice.

24 (g) An overwhelming number of Californians believe that
25 interpreters should be made available to assist non-English speakers
26 in all court proceedings, and that interpreters should be provided
27 free of charge to low-income non-English speakers.

28 (h) California law currently mandates appointment of an
29 interpreter for all witnesses in civil cases, and for parties with
30 hearing impairments. In addition, California statutes mandate the
31 appointment of an interpreter in adjudicative proceedings before
32 state agencies, boards, and commissions at no charge to the parties
33 whenever a party or the party's witness does not proficiently speak
34 or understand English. Other states, by contrast, provide both
35 witnesses and parties with a right to a court-appointed interpreter
36 in all civil matters at no cost to the party.

37 SEC. 2. It is the intent of the Legislature to encourage the
38 provision of pro bono legal services and financial support of
39 nonprofit legal organizations that provide free legal services to
40 underserved communities.

1 SEC. 3. Article 9.6 (commencing with Section 6159.5) is added
2 to Chapter 4 of Division 3 of the Business and Professions Code,
3 to read:

4

5

Article 9.6. Legal Aid Organizations

6

7

6159.5. The Legislature hereby finds and declares all of the
8 following:

9

(a) Legal aid programs provide a valuable service to the public
10 by providing free legal services to the poor.

11

(b) Private, for-profit organizations that have no lawyers have
12 been using the name “legal aid” in order to obtain business from
13 people who believe they are obtaining services from a nonprofit
14 legal aid organization.

15

(c) Public opinion research has shown that the term “legal aid”
16 is commonly understood by the public to mean free legal assistance
17 for the poor.

18

(d) Members of the public seeking free legal assistance are often
19 referred by telephone and other directory assistance information
20 providers to for-profit organizations that charge a fee for their
21 services, and there are a large number of listings in many telephone
22 directories for “legal aid” that are not nonprofit but are actually
23 for-profit organizations.

24

(e) The Los Angeles Superior Court has held that there is a
25 common law trademark on the name “legal aid,” which means
26 legal services for the poor provided by a nonprofit organization.

27

(f) The public will be benefited if for-profit organizations are
28 prohibited from using the term “legal aid,” in order to avoid
29 confusion.

30

6159.51. For purposes of this article, “legal aid organization”
31 means a nonprofit organization that provides civil legal services
32 for the poor without charge.

33

6159.52. It is unlawful for any person or organization to use
34 the term “legal aid,” “legal aide,” or any variant or similar name
35 in any firm name, trade name, fictitious business name, or any
36 other designation, or on any advertisement, letterhead, business
37 card, or sign, unless the person or organization is a legal aid
38 organization.

39

6159.53. (a) Any consumer injured by a violation of Section
40 6159.52 may file a complaint and seek injunctive relief, restitution,

1 and damages in the superior court of any county in which the
2 defendant maintains an office, advertises, or is listed in a telephone
3 directory.

4 (b) A person who violates Section 6159.52 shall be subject to
5 an injunction against further violation of Section 6159.52 by any
6 legal aid organization that maintains an office in any county in
7 which the defendant maintains an office, advertises, or is listed in
8 a telephone directory. In an action under this subdivision, it is not
9 necessary to allege or prove actual damage to the plaintiff, and
10 irreparable harm and interim harm to the plaintiff shall be
11 presumed.

12 (c) Reasonable attorney's fees shall be awarded to the prevailing
13 plaintiff in any action under this section.

14 SEC. 4. Section 367.6 is added to the Code of Civil Procedure,
15 to read:

16 367.6. (a) On or before ~~June 30~~ *July 1, 2009*, and periodically
17 as appropriate, the Judicial Council shall enter into one or more
18 master agreements with a vendor or vendors to provide for
19 telephone appearances in civil cases under Section 367.5, or as
20 otherwise permitted by law.

21 (b) Each master agreement shall include the following terms:

22 (1) The vendor shall charge a party for an appearance an amount
23 set by the Judicial Council, which shall comply with the provisions
24 of subdivision (c).

25 (2) The vendor shall indemnify and hold the court harmless
26 from claims arising from a failure or interruption of service.

27 (3) Except as provided by paragraph (2) of subdivision (c), for
28 each appearance a party makes by telephone, the vendor shall pay
29 to the state twenty dollars (\$20) which shall be transmitted
30 quarterly to be deposited in the Trial Court Trust Fund and used,
31 upon appropriation, as follows:

32 (A) Fifteen dollars (\$15) of each twenty dollars (\$20) shall be
33 used by the Judicial Council for the expenses of the Judicial
34 Council in implementing and administering the civil interpreter
35 pilot program under Sections ~~755.1 and 755.2~~ *756 and 756.5* of
36 the Evidence Code and for reimbursement to those courts providing
37 civil interpreters pursuant to those sections.

38 (B) The remaining five dollars (\$5) of each twenty dollars (\$20)
39 shall be allocated to courts, until ~~July 1~~ *June 30, 2011*, for the
40 following purposes:

1 (i) The funds shall be used first to offset any otherwise
2 unreimbursed expenses, as proven to the Judicial Council, in
3 providing for telephone appearances.

4 (ii) The funds shall next be used to provide funding to prevent
5 significant disruption in services in courts where those services
6 were previously funded by revenue received from providing
7 telephone appearances. The amount provided to any court pursuant
8 to this paragraph shall not exceed the amount of revenue received
9 by that court for providing telephone appearances for the 2007–08
10 fiscal year. The authority to provide this funding shall expire on
11 June 30, 2011.

12 (iii) Any remaining funds shall be allocated by the Judicial
13 Council to implement those Judicial Council priorities providing
14 increased access to, efficiency, and accountability in the courts.

15 (C) Beginning July 1, 2011, the remaining five dollars (\$5) of
16 each twenty dollars (\$20) shall be deposited in the State Court
17 Facilities Construction Fund, established in Section 70371 of the
18 Government Code.

19 (4) The master agreement shall include other terms as the
20 Judicial Council deems appropriate. These terms may include, but
21 are not limited to, a provision providing the circumstances in which
22 the charge shall be made for a telephone appearance canceled by
23 the party.

24 (c) The amount the vendor shall charge a party for an appearance
25 shall be uniform statewide.

26 (1) The Judicial Council shall establish the amount to be charged
27 a party for an appearance.

28 (2) If the party has received a waiver of fees under Section
29 68511.3 of the Government Code, the vendor shall not charge that
30 party for an appearance and shall not pay twenty dollars (\$20) as
31 otherwise required by paragraph (3) of subdivision (b). The vendor
32 shall be granted a lien in the amount of the waived charge on any
33 judgment that the party may receive. If the vendor later receives
34 the amount previously waived, for each appearance for which the
35 vendor receives payment, the vendor shall transmit twenty dollars
36 (\$20) to the state for deposit as provided in paragraph (3) of
37 subdivision (b). If the charge has been waived in part, or the
38 amount recovered by the vendor is not the full amount, the amount
39 transmitted to the state shall be reduced proportionally.

1 (3) The Judicial Council may establish an additional amount to
2 be charged, which shall also be uniform statewide, when a party
3 requests service from a vendor within a short period of time prior
4 to the hearing, as determined by the Judicial Council.

5 (d) If a court elects to make telephone appearances available
6 through one or more vendors, the court shall enter into one or more
7 participation agreements under one or more of the master
8 agreements entered into by the Judicial Council.

9 (e) If a court elects to provide telephone appearance services to
10 parties directly, either in addition to or in lieu of a participation
11 agreement, the court shall charge a party no more than the same
12 amount that a vendor may charge under the master agreements
13 provided for in subdivision (a), subject to the same conditions,
14 waivers, and transmission of amounts to the state as apply to a
15 vendor.

16 (f) Notwithstanding any other provision in this section, a judicial
17 officer is authorized to allow the appearance by telephone of parties
18 in that judicial officer's courtroom without the requirement of
19 using a vendor or paying any amount for the appearance by
20 telephone.

21 (g) To prevent significant disruptions in those services in courts
22 that were previously funded by revenue received from providing
23 telephone appearances, the Judicial Council shall, beginning July
24 1, 2011, allocate funding in an amount not greater than the amount
25 of revenue that court received for providing telephone appearances
26 in the 2007–08 fiscal year.

27 SEC. 4.5. Section 367.6 is added to the Code of Civil
28 Procedure, to read:

29 367.6. (a) On or before ~~June 30~~ *July 1, 2009*, and periodically
30 as appropriate, the Judicial Council shall enter into one or more
31 master agreements with a vendor or vendors to provide for
32 telephone appearances in civil cases under Section 367.5, or as
33 otherwise permitted by law.

34 (b) Each master agreement shall include the following terms:

35 (1) The vendor shall charge a party for an appearance an amount
36 set by the Judicial Council, which shall comply with the provisions
37 of subdivision (c).

38 (2) The vendor shall indemnify and hold the court harmless
39 from claims arising from a failure or interruption of service.

1 (3) Except as provided by paragraph (2) of subdivision (c), for
2 each appearance a party makes by telephone, the vendor shall pay
3 to the state twenty dollars (\$20) which shall be transmitted
4 quarterly to be deposited in the Trial Court Trust Fund and used,
5 upon appropriation, as follows:

6 (A) Fifteen dollars (\$15) of each twenty dollars (\$20) shall be
7 used by the Judicial Council for the expenses of the Judicial
8 Council in implementing and administering the civil interpreter
9 pilot program under Sections ~~755.1 and 755.2~~ 756 and 756.5 of
10 the Evidence Code and for reimbursement to those courts providing
11 civil interpreters pursuant to those sections.

12 (B) The remaining five dollars (\$5) of each twenty dollars (\$20)
13 shall be allocated to courts, until ~~July 1~~ June 30, 2011, for the
14 following purposes:

15 (i) The funds shall be used first to offset any otherwise
16 unreimbursed expenses, as proven to the Judicial Council, in
17 providing for telephone appearances.

18 (ii) The funds shall next be used to provide funding to prevent
19 significant disruption in services in courts where those services
20 were previously funded by revenue received from providing
21 telephone appearances. The amount provided to any court pursuant
22 to this paragraph shall not exceed the amount of revenue received
23 by that court for providing telephone appearances for the 2007–08
24 fiscal year. The authority to provide this funding shall expire on
25 June 30, 2011.

26 (iii) Any remaining funds shall be allocated by the Judicial
27 Council to implement those Judicial Council priorities providing
28 increased access to, efficiency, and accountability in the courts.

29 (C) Beginning July 1, 2011, the remaining five dollars (\$5) of
30 each twenty dollars (\$20) shall be deposited in the Immediate and
31 Critical Needs Account of the State Court Facilities Construction
32 Fund, established in Section 70371.5 of the Government Code.

33 (4) The master agreement shall include other terms as the
34 Judicial Council deems appropriate. These terms may include, but
35 are not limited to, a provision providing the circumstances in which
36 the charge shall be made for a telephone appearance canceled by
37 the party.

38 (c) The amount the vendor shall charge a party for an appearance
39 shall be uniform statewide.

1 (1) The Judicial Council shall establish the amount to be charged
2 a party for an appearance.

3 (2) If the party has received a waiver of fees under Section
4 68511.3 of the Government Code, the vendor shall not charge that
5 party for an appearance and shall not pay twenty dollars (\$20) as
6 otherwise required by paragraph (3) of subdivision (b). The vendor
7 shall be granted a lien in the amount of the waived charge on any
8 judgment that the party may receive. If the vendor later receives
9 the amount previously waived, for each appearance for which the
10 vendor receives payment, the vendor shall transmit twenty dollars
11 (\$20) to the state for deposit as provided in paragraph (3) of
12 subdivision (b). If the charge has been waived in part, or the
13 amount recovered by the vendor is not the full amount, the amount
14 transmitted to the state shall be reduced proportionally.

15 (3) The Judicial Council may establish an additional amount to
16 be charged, which shall also be uniform statewide, when a party
17 requests service from a vendor within a short period of time prior
18 to the hearing, as determined by the Judicial Council.

19 (d) If a court elects to make telephone appearances available
20 through one or more vendors, the court shall enter into one or more
21 participation agreements under one or more of the master
22 agreements entered into by the Judicial Council.

23 (e) If a court elects to provide telephone appearance services to
24 parties directly, either in addition to or in lieu of a participation
25 agreement, the court shall charge a party no more than the same
26 amount that a vendor may charge under the master agreements
27 provided for in subdivision (a), subject to the same conditions,
28 waivers, and transmission of amounts to the state as apply to a
29 vendor.

30 (f) Notwithstanding any other provision in this section, a judicial
31 officer is authorized to allow the appearance by telephone of parties
32 in that judicial officer's courtroom without the requirement of
33 using a vendor or paying any amount for the appearance by
34 telephone.

35 (g) To prevent significant disruptions in those services in courts
36 that were previously funded by revenue received from providing
37 telephone appearances, the Judicial Council shall, beginning July
38 1, 2011, allocate funding for those services in an amount not greater
39 than the amount of revenue that court received for providing
40 telephone appearances in the 2007–08 fiscal year.

1 SEC. 5. Section 756 is added to the Evidence Code, to read:

2 756. (a) On or before September 1, 2009, the Judicial Council
3 shall establish a working group to review, identify, and develop
4 best practices to provide interpreters in civil actions and
5 proceedings. The best practices developed by the working group
6 shall be used in carrying out the pilot project described in Section
7 756.5. In developing the best practices, the working group shall
8 consider ways to maximize the use of existing resources,
9 calendaring issues, the effective use of technology, and other
10 practices that will assist courts effectively deploying interpreters
11 in civil proceedings.

12 (b) The working group shall include court executive officers,
13 presiding judges, interpreter coordinators, interpreters,
14 representatives of legal services organizations and organizations
15 representing individuals with limited English proficiency, and
16 others the Judicial Council determines necessary.

17 SEC. 6. Section 756.5 is added to the Evidence Code, to read:

18 756.5. (a) The Judicial Council shall select up to five courts
19 to participate in a pilot project, which shall commence on July 1,
20 2010, and end on June 30, 2013, to provide interpreters in civil
21 proceedings as specified in this section. The pilot courts shall be
22 selected from among those participating in the working group
23 described in Section 756.

24 (b) The pilot project shall be conducted for the purpose of
25 creating models for effectively providing interpreters in civil
26 matters, implementing best practices, and ascertaining the need
27 for additional interpreter resources and funding to provide
28 interpreters in civil matters on a statewide basis. *The pilot project*
29 *shall be funded from the revenue derived from the telephonic*
30 *appearance fee pursuant to Section 367.6 of the Code of Civil*
31 *Procedure.*

32 (c) Interpreters shall be provided by the pilot courts as follows:

33 (1) The pilot courts shall provide interpreters to any party
34 proceeding in forma pauperis, pursuant to Section 68511.3 of the
35 Government Code, who is present and who does not proficiently
36 speak or understand the English language for the purpose of
37 interpreting the proceedings in a language that the party
38 understands and assisting communications between the party and
39 the court in the following types of actions and proceedings:

1 (A) Actions and proceedings under Section 527.6 of the Code
2 of Civil Procedure that are also under Division 10 (commencing
3 with Section 6200) of the Family Code.

4 (B) Actions and proceedings brought under the Family Code.

5 (C) Actions and proceedings relating to unlawful detainer.

6 (D) Actions and proceedings involving the appointment or
7 termination of a probate guardian or conservator.

8 (E) Actions or proceedings under the Elder Abuse and
9 Dependent Adult Civil Protection Act (Chapter 11 (commencing
10 with Section 15600) of Part 3 of Division 9 of the Welfare and
11 Institutions Code).

12 (2) The pilot courts shall provide interpreters in other civil
13 actions or proceedings or in matters in which the party is not
14 appearing in forma pauperis if there is sufficient funding and
15 interpreter resources available to meet all the interpretation needs
16 in actions and proceedings described in paragraph (1).

17 (3) The fees of interpreters utilized under this section shall be
18 paid for any party proceeding in forma pauperis pursuant to Section
19 68511.3 of the Government Code.

20 (4) The pilot courts shall develop a methodology for providing
21 interpreters if sufficient funds *provided pursuant to subdivision*
22 *(b)* are not available to meet the needs for court interpreters in all
23 of the actions and proceedings set forth in paragraph (1), or if,
24 after diligent search, a sufficient number of interpreters are not
25 available. The pilot courts shall not consider the order in which
26 the case types are listed in paragraph (1) in developing this
27 methodology. For purposes of developing this methodology, the
28 pilot courts shall consider the most effective way to deploy limited
29 resources.

30 (5) Subdivisions (c) and (d) of Section 755 of the Evidence
31 Code shall apply to proceedings described in this section.

32 (6) The pilot courts may utilize technological solutions to
33 address the need for providing court interpreters when there are
34 not sufficient interpreters available in the pilot court to meet the
35 need.

36 (d) This section shall not be construed to negate or limit any
37 right to an interpreter in a civil action or proceeding otherwise
38 provided by state or federal law.

1 (e) This section shall not be construed to alter the right of an
2 individual to an interpreter in criminal, traffic or other infraction,
3 juvenile, or mental competency actions or proceedings.

4 (f) This section shall not result in a reduction in staffing or
5 compromise the quality of interpreting services in criminal,
6 juvenile, or other types of matters in which interpreters are
7 provided.

8 (g) (1) On or before September 1, 2012, the Judicial Council
9 shall report to the Legislature its findings and recommendations
10 based on the experiences of the pilot project. The report shall
11 include findings and recommendations regarding the need for
12 additional interpreter resources and funding to provide interpreters
13 in both of the following:

14 (A) Case types that were the subject of the pilot.

15 (B) All civil actions and proceedings.

16 (2) The report shall also describe, to the extent possible, the
17 impact of the availability of interpreters on access to justice and
18 on court administration and efficiency.

19 SEC. 7. Section 68563 of the Government Code is amended
20 to read:

21 68563. (a) The Judicial Council shall conduct a study of
22 language and interpreter use and need in court proceedings, with
23 commentary, and shall report its findings and recommendations
24 to the Governor and to the Legislature not later than July 1, 1995,
25 and every five years thereafter.

26 (b) (1) The study shall serve as a basis for all of the following:

27 (A) Determining the need to establish interpreter programs and
28 certification examinations.

29 (B) Establishing these programs and examinations through the
30 normal budgetary process.

31 (C) Determining the need for and use of interpreters in civil and
32 criminal court proceedings.

33 (2) To assist with the completion of the study, trial courts shall
34 collect and report the use of interpreters in all criminal and civil
35 proceedings in the manner specified by the Judicial Council,
36 including, but not limited to, the following data:

37 (A) The languages for which parties need an interpreter, by type
38 of action or proceeding, and whether the party is appearing in
39 propria persona or in forma pauperis.

1 (B) The languages for which an interpreter is provided, by type
2 of action or proceeding, and whether the party is appearing in
3 propria persona or in forma pauperis.

4 (C) The extent to which the interpreters provided are court
5 employees or independent contractors.

6 (D) The extent to which interpreters are appointed pursuant to
7 subdivision (c) of Section 68561.

8 (E) The extent to which interpreters are provided pursuant to
9 subdivision (d) of Section 68561.

10 (c) The study shall also serve as a basis for both of the following:

11 (1) Determining ways in which the Judicial Council can make
12 available to the public, through public service announcements and
13 otherwise, information relating to opportunities, requirements,
14 testing, application procedures, and employment opportunities for
15 interpreters.

16 (2) Establishing and evaluating these programs through the
17 normal budgetary process.

18 SEC. 8. Section 4.5 of this bill shall become operative only if
19 SB 1407 of the 2007–08 Regular Session is enacted and becomes
20 operative on or before January 1, 2009, in which case Section 4
21 of this bill shall not become operative.