

**ASSEMBLY BILL**

**No. 618**

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**Introduced by Assembly Member Furutani**

February 16, 2011

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An act to add Article 4.5 (commencing with Section 68570) to Chapter 2 of Title 8 of the Government Code, relating to the courts.

LEGISLATIVE COUNSEL'S DIGEST

AB 618, as introduced, Furutani. Court interpreters.

Existing law requires, when a witness is incapable of understanding the English language or expressing himself or herself in the English language so as to be understood directly by counsel, court, and jury, an interpreter to be sworn to interpret for him or her. 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 set forth legislative findings and declarations relating to ensuring an adequate supply of court interpreters without sacrificing essential standards for certification.

Vote: majority. Appropriation: no. Fiscal committee: no.  
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 one of the most linguistically diverse states in  
4 the nation. As language diversity in California continues to  
5 increase, there continues to be a decline in the availability of  
6 qualified court interpreters in the state courts. As a result, the state  
7 faces a persistent shortage of professionally certified interpreters,  
8 which threatens the state’s ability to ensure access to justice and  
9 equality under the law for all court users, including parties,  
10 witnesses, and victims.

11 (b) Court interpreter services in criminal matters are a right —  
12 not a privilege — guaranteed by the United States and California  
13 Constitutions and statutory law. These services not only assist the  
14 defendant in a criminal matter, but also witnesses and victims,  
15 prosecutors, defense attorneys, and law enforcement.

16 (c) The consequences of not having sufficiently qualified  
17 interpreters in the courts are well documented and can lead to  
18 costly mistakes, not only for the parties to a proceeding resulting  
19 in wrongful or erroneous decisions, but also the court system in  
20 terms of delay, waste, and duplication of proceedings relating to  
21 these avoidable errors.

22 (d) Meeting the legal equivalence standard in interpreting court  
23 proceedings is an extremely difficult task that demands a high  
24 level of language proficiency in two languages as well as  
25 specialized cognitive and interpreting skills. Individuals who  
26 possess the necessary proficiency and skill level to be court  
27 interpreters are a scarce resource. Ensuring an adequate supply of  
28 court interpreters can and must be accomplished without sacrificing  
29 essential standards for certification.

30 SEC. 2. Article 4.5 (commencing with Section 68570) is added  
31 to Chapter 2 of Title 8 of the Government Code, to read:

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33 Article 4.5. California Language Access Bill of Rights

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35 68570. This article shall be known, and may be cited, as the  
36 California Language Access Bill of Rights.

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