

ASSEMBLY BILL

No. 810

Introduced by Assembly Member Wagner

February 17, 2011

An act to amend Section 27293 of, and to repeal Section 26806 of, the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

AB 810, as introduced, Wagner. Local government: counties: translators.

(1) Existing law authorizes the clerk of the court, in counties with a population of 900,000 or more, to employ as many foreign language interpreters as are necessary to interpret in criminal and juvenile cases, and to translate documents intended for filing in any civil or criminal action or proceeding or for recordation in the county recorder's office, as specified.

This bill would repeal these provisions.

(2) Existing law prohibits a county recorder from accepting an instrument for record that is in whole or in part a language other than English. Existing law authorizes the recorder to accept a translation in English of an instrument executed or certified in whole or in part in a language other than English if the instrument is accompanied by a verification that the translation was performed by a certified or registered court interpreter or an accredited translator, as specified.

This bill would instead require that the instrument be accompanied by a verification that the translation was performed by an accredited translator.

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. Section 26806 of the Government Code is
2 repealed.

3 26806. ~~(a) In counties having a population of 900,000 or over,~~
4 ~~the clerk of the court may employ as many foreign language~~
5 ~~interpreters as may be necessary to interpret in criminal cases in~~
6 ~~the superior court, and in the juvenile court within the county and~~
7 ~~to translate documents intended for filing in any civil or criminal~~
8 ~~action or proceeding or for recordation in the county recorder's~~
9 ~~office.~~

10 ~~(b) The clerk of the superior court, shall, when interpreters are~~
11 ~~needed, assign the interpreters so employed to interpret in criminal~~
12 ~~and juvenile cases in the superior court. When their services are~~
13 ~~needed, the clerk shall also assign interpreters so employed to~~
14 ~~interpret in criminal cases in municipal courts.~~

15 ~~(c) The clerk of the court may also assign the interpreters so~~
16 ~~employed to interpret in civil cases in superior and municipal courts~~
17 ~~when their services are not required in criminal or juvenile cases~~
18 ~~and when so assigned, they shall collect from the litigants the fee~~
19 ~~fixed by the court and shall deposit the same in the county treasury.~~

20 ~~(d) The interpreters so employed shall, when assigned to do so~~
21 ~~by the clerk of the court, translate documents to be recorded or to~~
22 ~~be filed in any civil or criminal action or proceeding. The fee to~~
23 ~~be collected for translating each such document shall be three~~
24 ~~dollars (\$3) per folio for the first folio or part thereof, and two~~
25 ~~cents (\$0.02) for each word thereafter. For preparing a carbon copy~~
26 ~~of such translation made at the time of preparing the original, the~~
27 ~~fee shall be twelve cents (\$0.12) per folio or any part thereof. All~~
28 ~~such fees shall be deposited in the county treasury.~~

29 SEC. 2. Section 27293 of the Government Code is amended
30 to read:

31 27293. (a) (1) Except as otherwise provided in subdivision
32 (b), if an instrument intended for record is executed or certified in
33 whole or in part in a language other than English, the recorder
34 shall not accept the instrument for record.

35 (2) (A) A translation in English of an instrument executed or
36 certified in whole or in part in a language other than English may
37 be presented to the county clerk for verification that the translation
38 was performed by ~~a certified or registered court interpreter, as~~

1 ~~described in Section 68561, or by~~ an accredited translator registered
2 with the American Translators Association. The translation shall
3 be accompanied by a notarized declaration by the ~~interpreter or~~
4 translator that the translation is true and accurate, and includes the
5 certification, qualification, or registration of the interpreter or
6 translator. The clerk shall consult an Internet Web site maintained
7 by the Judicial Council or the American Translators Association
8 in verifying the certification, qualification, or registration of the
9 ~~interpreter or translator.~~

10 (B) Upon verification that the translation was performed by ~~an~~
11 ~~interpreter or a~~ translator described in subparagraph (A), and that
12 the translation is accompanied by a notarized declaration as
13 required pursuant to subparagraph (A), the clerk shall duly make
14 certification of that verification under seal of the county, attach
15 the certification to the translation, and attach the certified
16 translation to the original instrument.

17 (C) For this verification and certification, a fee of ten dollars
18 (\$10) shall be paid to the county clerk for each document submitted
19 for certification. The attached original instrument and certified
20 translation may be presented to the recorder, and, upon payment
21 of the usual fees, the recorder shall accept and permanently file
22 the instrument and record the certified translation. The recording
23 of the certified translation gives notice and is of the same effect
24 as the recording of an original instrument. Certified copies of the
25 recorded translation may be recorded in other counties, with the
26 same effect as the recording of the original translation, provided,
27 however, that in those counties where a photostatic or photographic
28 method of recording is employed, the whole instrument, including
29 the foreign language and the translation, may be recorded, and the
30 original instrument returned to the party leaving it for record or
31 upon his or her order.

32 (b) The provisions of subdivision (a) do not apply to any
33 instrument offered for record that contains provisions in English
34 and a translation of the English provisions in a language other than
35 English, provided that the English provisions and the translation
36 thereof are specifically set forth in state or federal law.

37 (c) The county clerk is not required to issue a translation
38 certificate if he or she is unable to confirm the certification,

- 1 registration, or accreditation of the translator, as required in
- 2 subdivision (a).

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