

AMENDED IN ASSEMBLY MARCH 21, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 810

Introduced by Assembly Member Wagner

February 17, 2011

An act to amend ~~Section 27293~~ *Sections 27293 and 69894.5* of, and to repeal Section 26806 of, the Government Code, relating to ~~local government courts~~.

LEGISLATIVE COUNSEL'S DIGEST

AB 810, as amended, Wagner. ~~Local government: counties: Courts:~~ 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. *Existing law authorizes an interpreter so employed to collect from the litigants a specified fee for his or her services, and to deposit the fee into the county treasury.*

This bill would ~~repeal these provisions~~ *recast these provisions and delete the authorization for the clerk of the court to employ foreign language interpreters for the purpose of translating documents for recordation in the county recorder's office. This bill would, instead, provide that the fee charged by the interpreter for document translation be set by agreement between the court and the interpreter, and require that the fee be deposited into the Trial Court Trust Fund.*

(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~~-yes.
 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 2 repealed.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 SEC. 2. Section 27293 of the Government Code is amended
 4 to read:
 5 27293. (a) (1) Except as otherwise provided in subdivision
 6 (b), if an instrument intended for record is executed or certified in
 7 whole or in part in a language other than English, the recorder
 8 shall not accept the instrument for record.
 9 (2) (A) A translation in English of an instrument executed or
 10 certified in whole or in part in a language other than English may
 11 be presented to the county clerk for verification that the translation
 12 was performed by an accredited translator registered with the
 13 American Translators Association. The translation shall be
 14 accompanied by a notarized declaration by the translator that the
 15 translation is true and accurate, and includes the certification,
 16 qualification, or registration of the interpreter or translator. The
 17 clerk shall consult an Internet Web site maintained by the Judicial
 18 Council or the American Translators Association in verifying the
 19 certification, qualification, or registration of the translator.
 20 (B) Upon verification that the translation was performed by a
 21 translator described in subparagraph (A), and that the translation
 22 is accompanied by a notarized declaration as required pursuant to
 23 subparagraph (A), the clerk shall duly make certification of that
 24 verification under seal of the county, attach the certification to the
 25 translation, and attach the certified translation to the original
 26 instrument.

1 (C) For this verification and certification, a fee of ten dollars
2 (\$10) shall be paid to the county clerk for each document submitted
3 for certification. The attached original instrument and certified
4 translation may be presented to the recorder, and, upon payment
5 of the usual fees, the recorder shall accept and permanently file
6 the instrument and record the certified translation. The recording
7 of the certified translation gives notice and is of the same effect
8 as the recording of an original instrument. Certified copies of the
9 recorded translation may be recorded in other counties, with the
10 same effect as the recording of the original translation, provided,
11 however, that in those counties where a photostatic or photographic
12 method of recording is employed, the whole instrument, including
13 the foreign language and the translation, may be recorded, and the
14 original instrument returned to the party leaving it for record or
15 upon his or her order.

16 (b) The provisions of subdivision (a) do not apply to any
17 instrument offered for record that contains provisions in English
18 and a translation of the English provisions in a language other than
19 English, provided that the English provisions and the translation
20 thereof are specifically set forth in state or federal law.

21 (c) The county clerk is not required to issue a translation
22 certificate if he or she is unable to confirm the certification,
23 registration, or accreditation of the translator, as required in
24 subdivision (a).

25 *SEC. 3. Section 69894.5 of the Government Code is amended*
26 *to read:*

27 *69894.5. ~~The~~(a) (1) A person who is unable to understand*
28 *English who is charged with a crime has a right to an interpreter*
29 *throughout the proceedings.*

30 *(2) This subdivision does not constitute a change in, but is*
31 *declaratory of, existing law.*

32 *(b) In counties having a population of 900,000 or more all of*
33 *the following shall apply:*

34 *(1) The clerk of the court may employ as many foreign language*
35 *interpreters as may be necessary to interpret in criminal cases in*
36 *the superior court, and in the juvenile court within the county, and*
37 *to translate documents intended for filing in any civil or criminal*
38 *proceeding.*

1 (2) *The clerk of the court, shall, when interpreters are needed,*
2 *assign the interpreters so employed to interpret in criminal and*
3 *juvenile cases in the superior court.*

4 (3) *The clerk of the court may also assign the interpreters so*
5 *employed to interpret in civil cases in superior court when their*
6 *services are not required in criminal or juvenile cases. When so*
7 *assigned, an interpreter shall also collect from the litigants the*
8 *fee fixed by the court and shall deposit that fee in the Trial Court*
9 *Trust Fund.*

10 (4) *The interpreters so employed shall, when assigned to do so*
11 *by the clerk of the court, translate documents to be filed in any*
12 *civil or criminal action or proceeding. The fee to be collected for*
13 *translating each document or preparing a copy of the translation*
14 *shall be determined by agreement between the court and the*
15 *interpreter preparing the translation. The fee shall be deposited*
16 *in the Trial Court Trust Fund.*

17 (c) *The court may by rule employ and assign officers or attachés*
18 *persons to perform the duties outlined in ~~Section 26806 of the~~*
19 *~~Government Code~~ this section as provided in the Trial Court*
20 *Interpreter Employment and Labor Relations Act (Chapter 7.5*
21 *(commencing with Section 71800) of Title 8).*