

AMENDED IN SENATE JUNE 24, 2013

AMENDED IN ASSEMBLY MAY 14, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 715**

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**Introduced by Assembly Member Dickinson**

February 21, 2013

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An act to amend Section ~~437e~~ 755 of the Code of Civil Procedure, Evidence Code, relating to ~~summary judgment~~: *evidence*.

LEGISLATIVE COUNSEL'S DIGEST

AB 715, as amended, Dickinson. ~~Summary judgment: rulings on admissibility of evidence: de novo standard of review. Evidence: interpreters.~~

*Existing law provides that in any action or proceeding under specified provisions of the Family Code relating to domestic violence, in which a party does not proficiently speak or understand the English language is present, an interpreter shall be present to interpret the proceedings in a language that the party understands, and to assist communication between the party and his or her attorney, except that a court may issue prescribed orders ex parte without an interpreter. Existing law specifies that the fees of these interpreters shall be paid by the parties, except that these fees shall be waived for parties who need an interpreter and appear in forma pauperis. Existing law also requires the Judicial Council to revise a specified court rule and related court forms accordingly.*

*This bill would delete obsolete provisions of law.*

~~Existing law authorizes a party, pursuant to a specified procedure, to move for summary judgment in any action or proceeding if it is~~

~~contended that the action has no merit or that there is no defense to the action or proceeding. Existing law requires the motion to be supported by, and provides that any opposition to the motion shall consist of, affidavits, declarations, admissions, answers to interrogatories, depositions, and matters of which judicial notice shall or may be taken. Upon a court's order granting summary judgment, existing law authorizes a party to appeal from the judgment, as specified.~~

~~This bill would authorize a reviewing court to review a ruling on the admissibility of evidence in the summary judgment proceeding using a de novo standard of review.~~

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 755 of the Evidence Code is amended to  
2     read:  
3     755. (a) ~~In any~~ an action or proceeding under Division 10  
4     (commencing with Section 6200) of the Family Code, and ~~in any~~  
5     an action or proceeding under the Uniform Parentage Act (Part 3  
6     (commencing with Section 7600) of Division 12 of the Family  
7     Code) or for dissolution or nullity of marriage or legal separation  
8     of the parties in which a protective order has been granted or is  
9     being sought pursuant to Section 6221 of the Family Code, in  
10    which a party does not proficiently speak or understand the English  
11    language, and that party is present, an interpreter, as provided in  
12    this section, shall be present to interpret the proceedings in a  
13    language that the party understands, and to assist communication  
14    between the party and his or her attorney. Notwithstanding this  
15    requirement, a court may issue an ex parte order pursuant to  
16    Sections 2045 and 7710 of, and Article 1 (commencing with  
17    Section 6320) of Chapter 2 of Part 4 of Division 10 of the Family  
18    Code, without the presence of an interpreter. The interpreter  
19    selected shall be certified pursuant to Article 4 (commencing with  
20    Section 68560) of Chapter 2 of Title 8 of the Government Code,  
21    unless the court in its discretion appoints an interpreter who is not  
22    certified.  
23    (b) The fees of interpreters utilized under this section shall be  
24    paid as provided in subdivision (b) of Section 68092 of the  
25    Government Code. ~~However, the fees of an interpreter shall be~~

1 waived for a party who needs an interpreter and appears in forma  
2 pauperis pursuant to Section 68511.3 of the Government Code.  
3 The Judicial Council shall amend subdivision (i) of California  
4 Rule of Court 985 and revise its forms accordingly by July 1, 1996.

5 (c) In any civil action in which an interpreter is required under  
6 this section, the court shall not commence proceedings until the  
7 appointed interpreter is present and situated near the party and his  
8 or her attorney. However, this section shall not prohibit the court  
9 from doing any of the following:

10 (1) Issuing an order when the necessity for the order outweighs  
11 the necessity for an interpreter.

12 (2) Extending the duration of a previously issued temporary  
13 order if an interpreter is not readily available.

14 (3) Issuing a permanent order where a party who requires an  
15 interpreter fails to make appropriate arrangements for an interpreter  
16 after receiving proper notice of the hearing with information about  
17 obtaining an interpreter.

18 (d) This section does not prohibit the presence of any other  
19 person to assist a party.

20 (e) A local public entity may, and the Judicial Council shall,  
21 apply to the appropriate state agency that receives federal funds  
22 authorized pursuant to the federal Violence Against Women Act  
23 (P.L. 103-322) for these federal funds or for funds from sources  
24 other than the state to implement this section. A local public entity  
25 and the Judicial Council shall comply with the requirements of  
26 this section only to the extent that any of these funds are made  
27 available.

28 (f) The Judicial Council shall draft rules and modify forms  
29 necessary to implement this section, including those for the petition  
30 for a temporary restraining order and related forms, to inform both  
31 parties of their right to an interpreter pursuant to this section.

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**All matter omitted in this version of the bill  
appears in the bill as amended in the  
Assembly, May 14, 2013. (JR11)**