

AMENDED IN SENATE SEPTEMBER 3, 2013

AMENDED IN ASSEMBLY MAY 24, 2013

AMENDED IN ASSEMBLY MAY 2, 2013

AMENDED IN ASSEMBLY MARCH 21, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1127**

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**Introduced by Assembly Member Chau**  
*(Principal coauthor: Senator Lara)*

February 22, 2013

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An act to add *and repeal Sections 756 and 756.5 of the Evidence Code and Section 68567-~~to~~* of the Government Code, relating to ~~courts~~ *legal services*.

LEGISLATIVE COUNSEL'S DIGEST

AB 1127, as amended, Chau. ~~Courts: California Language Access Task Force~~ *Legal aid: 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 for establishing these programs and examinations through the normal budgetary process.

~~This bill would, upon the appropriation of funding for these purposes, require the Judicial Council, on or before March 1, 2014, to establish the California Language Access Task Force, as specified, which require the Judicial Council, by March 1, 2014, 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 3 courts to participate in a pilot project, to commence on July 1, 2014, to provide interpreters in civil proceedings and would require the Judicial Council to report to the Legislature findings related to the pilot project by July 1, 2018. The pilot project would be funded by \$6 million dollars from the Trial Court Trust Fund upon appropriation by the Legislature from unexpended funds previously allocated for court interpreter services. The bill would be responsible for also require the working group to act as an advisory body to any Judicial Council committee, advisory board, or joint committee charged with developing a comprehensive statewide Language Access Plan (LAP) for use by courts to address the needs of all limited-English-proficient individuals in conformance with state and federal law. The bill would require the task force to, among other things, establish working group to make recommendations relating to the establishment of standards for meaningful and timely provision of language services in all court proceedings and at all public points of contact within the courts, and to establish the establishment of a statewide plan to provide for the translation of court documents using competent and qualified interpreters. The bill would require the task force to provide the LAP to the Judicial Council Judicial Council and its advisory bodies to submit an interim report to the Legislature on the status of the LAP by September 1, 2014, and would require the Judicial Council to adopt a statewide LAP based on the LAP provided by the task force by December 31, 2014. The bill would also make related legislative findings and declarations. The bill would repeal these provisions on January 1, 2020.~~

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 the  
2 following:

1 (a) California is one of the most linguistically diverse states in  
2 the nation. As language diversity continues to increase, there is a  
3 greater need to ensure that all Californians have meaningful access  
4 to the court system.

5 (b) There continues to be a need to expand and improve  
6 California's ability to provide language assistance within the  
7 judicial system.

8 (c) Currently, California has not developed ~~a statewide plan~~  
9 *best practices* to address the needs of limited-English-proficient  
10 individuals in all court proceedings and at all public points of  
11 contact within our courts.

12 (d) *There continues to be a shortage of information and data*  
13 *needed to determine what resources the state needs to provide*  
14 *court interpreters in civil proceedings. In order to plan for the*  
15 *successful implementation of language access services in civil*  
16 *proceedings, information must be gathered on how to maximize*  
17 *the use of existing resources, and the need for language access. A*  
18 *pilot program is the most efficient way to gather information from*  
19 *courts as it relates to interpreter services and language access.*

20 (e) *The continuing shortage of certified and registered*  
21 *interpreters for particular languages and various geographic*  
22 *regions of California impacts the state's ability to provide*  
23 *meaningful access to justice for all court users.*

24 SEC. 2. Section 756 is added to the Evidence Code, to read:

25 756. (a) (1) *On or before March 1, 2014, the Judicial Council*  
26 *shall establish a working group to review, identify, and develop*  
27 *best practices to provide interpreters in civil actions and*  
28 *proceedings. The best practices developed by the working group*  
29 *shall be used in carrying out the pilot project described in Section*  
30 *756.5.*

31 (2) *In developing the best practices for the pilot project, the*  
32 *working group shall consider ways to maximize the use of existing*  
33 *resources and other practices that will assist courts to deploy*  
34 *interpreters effectively in civil proceedings.*

35 (3) *The best practices shall include training guidelines to be*  
36 *utilized by the courts participating in the pilot project described*  
37 *in Section 756.5 to ensure that court interpreters receive training*  
38 *necessary to comply with the requirements of Section 756.5.*

39 (b) *The working group shall include court executive officers,*  
40 *presiding judges, interpreter coordinators, three interpreters who*

1 shall be nominated by an exclusive representative of interpreter  
2 employees, experts in training and best practices in the field of  
3 court interpretation, representatives of legal services organizations,  
4 and organizations representing individuals with limited English  
5 proficiency, and others that the Judicial Council determines  
6 necessary. The working group shall also include a representative  
7 from a rural community.

8 (c) This section shall remain in effect only until January 1, 2020,  
9 and as of that date is repealed, unless a later enacted statute, that  
10 is enacted before January 1, 2020, deletes or extends that date.

11 SEC. 3. Section 756.5 is added to the Evidence Code, to read:

12 756.5. (a) The working group described in Section 756 shall  
13 select up to three courts to participate in a pilot project, which  
14 shall commence on or before July 1, 2014, to provide interpreters  
15 in civil proceedings as specified in this section.

16 (b) (1) The pilot project shall be conducted for the purpose of  
17 creating models for effectively providing interpreters in civil  
18 matters and implementing best practices.

19 (2) The pilot project, including costs of administration and the  
20 preparation of the report to the Legislature required in subdivision  
21 (h), may be funded by up to six million dollars (\$6,000,000) from  
22 the Trial Court Trust Fund upon appropriation by the Legislature  
23 from unexpended funds previously allocated for court interpreter  
24 services. The costs of administration and the preparation of the  
25 report to the Legislature required in subdivision (h) shall not  
26 exceed 3 percent of the total funding allocation.

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

28 (1) The pilot courts shall provide interpreters to any party in a  
29 civil proceeding who is present and who does not proficiently  
30 speak or understand the English language for the purpose of  
31 interpreting the proceedings in a language that the party  
32 understands and assisting communications between the party, his  
33 or her attorney, and the court.

34 (2) If the pilot courts expend more than 75 percent of the funding  
35 described in paragraph (2) of subdivision (b) within the first 24  
36 months of the pilot project, pilot courts may prioritize interpreter  
37 services in the following types of actions and proceedings, for  
38 purposes of this pilot project:

39 (A) Actions and proceedings under Section 527.6 of the Code  
40 of Civil Procedure.

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

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

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

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

9 (3) The pilot courts shall develop a methodology for deploying  
10 available interpreter resources and funds described in subdivision  
11 (b) if needed. Pilot courts shall establish protocols to ensure that  
12 parties who speak limited or no English and need interpreter  
13 services are identified at the earliest point of contact with the court  
14 system and informed that interpreter services are available. A pilot  
15 court shall not be obligated to provide services under this section  
16 that are not funded by this pilot project.

17 (4) Interpreters shall be certified or registered pursuant to  
18 Article 4 (commencing with Section 68560) of Chapter 2 of Title  
19 8 of the Government Code. Subdivisions (c) and (d) of Section 755  
20 shall apply to proceedings described in this section.

21 (d) This section shall not be construed to alter the right of an  
22 individual to an interpreter in criminal, traffic or other infraction,  
23 juvenile, or mental competency actions or proceedings.

24 (e) This section shall not result in a reduction in staffing or  
25 compromise the quality of interpreting services in criminal,  
26 juvenile, or other types of matters in which interpreters are  
27 provided.

28 (f) This section shall not be construed to create a right to, or  
29 negate or limit a right to, an interpreter in civil proceedings that  
30 does not otherwise exist under current state or federal law.

31 (g) The pilot project shall terminate on July 1, 2017.

32 (h) (1) On or before July 1, 2018, the Judicial Council shall  
33 report to the Legislature its findings and recommendations based  
34 on the experiences of the model pilot project.

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

38 (i) Nothing in this chapter shall limit or restrict courts from  
39 providing interpreters in civil proceedings when those services

1 are already being provided or in matters in which the judicial  
 2 officer deems it necessary to appoint an interpreter.

3 (j) Nothing in this chapter shall alter or negate the application  
 4 of the Trial Court Interpreter Employment and Labor Relations  
 5 Act (Chapter 7.5 (commencing with Section 71800) of Title 8 of  
 6 the Government Code) to the provision of interpreters pursuant  
 7 to this section.

8 (k) This section shall remain in effect only until January 1, 2020,  
 9 and as of that date is repealed, unless a later enacted statute, that  
 10 is enacted before January 1, 2020, deletes or extends that date.

11 ~~SEC. 2.~~

12 ~~SEC. 4.~~ Section 68567 is added to the Government Code, to  
 13 read:

14 ~~68567. (a) On or before March 1, 2014, the Judicial Council~~  
 15 ~~shall establish the California Language Access Task Force, which~~  
 16 ~~shall be responsible for developing a comprehensive statewide~~  
 17 ~~Language Access Plan (LAP) for use by courts to address the needs~~  
 18 ~~of all limited-English-proficient individuals in conformance with~~  
 19 ~~state and federal law.~~

20 ~~(b) The task force shall include court executive officers,~~  
 21 ~~presiding judges, interpreter coordinators, interpreters, at least two~~  
 22 ~~of whom shall be nominated by an exclusive representative of~~  
 23 ~~interpreter employees, representatives of legal services~~  
 24 ~~organizations and organizations representing individuals with~~  
 25 ~~limited English proficiency, and others the Judicial Council~~  
 26 ~~determines necessary. The task force shall also include a~~  
 27 ~~representative from a rural community in order to highlight the~~  
 28 ~~particular challenges of providing court interpreter services in rural~~  
 29 ~~communities.~~

30 ~~(c) In developing the LAP, the task force shall do all of the~~  
 31 ~~following:~~

32 ~~(1)~~

33 ~~68567. (a) (1) The working group described in Section 756~~  
 34 ~~of the Evidence Code shall act as an advisory body to any Judicial~~  
 35 ~~Council committee, advisory board, or joint committee charged~~  
 36 ~~with developing a comprehensive statewide Language Access Plan.~~

37 ~~(2) In advising a Judicial Council committee, advisory board,~~  
 38 ~~or joint committee, the working group shall make recommendations~~  
 39 ~~for all of the following:~~

1 (A) ~~Establish~~ *Establishing* standards for meaningful and timely  
2 provision of language services in all court proceedings and at all  
3 public points of contact within the courts.

4 ~~(2)~~

5 (B) ~~Establish~~ *Establishing* procedures for gathering  
6 comprehensive data on the language access needs of court users,  
7 including, but not limited to, providing a means of registering an  
8 individual's language needs in court documents. These procedures  
9 should provide metrics on the need for interpreter services in court  
10 proceedings and ancillary programs and services.

11 ~~(3)~~

12 (C) ~~Review~~ *Reviewing* current court interpreter procedures and  
13 ~~recommend~~ *recommending* improvements or additional procedures  
14 to provide the most competent interpreter services to  
15 limited-English-proficient court users and to ensure compliance  
16 with Rule 2.890 of the California Rules of Court.

17 ~~(4)~~

18 (D) ~~Review~~ *Reviewing* current court procedures and ~~recommend~~  
19 *recommending* improvements or additional procedures to maximize  
20 existing language resources, including bilingual staff, court  
21 interpreters, translators, and other resources shared among courts  
22 to expand access to language services at all public points of contact  
23 within the courts.

24 ~~(5)~~

25 (E) ~~Review~~ *Reviewing* current practices and ~~develop~~ *developing*  
26 strategies to provide interpreter services that comply with the Trial  
27 Court Interpreter Employment and Labor Relations Act (Chapter  
28 7.5 (commencing with Section 71800) of Title 8) in all court  
29 proceedings. The review may include the evaluation of any  
30 programs providing interpreters in domestic violence cases or other  
31 civil cases, including any pilot projects.

32 ~~(6)~~

33 (F) ~~Establish~~ *Establishing* a statewide plan to provide for the  
34 translation of court documents using competent and qualified  
35 interpreters.

36 ~~(7)~~

37 (G) ~~Establish~~ *Establishing* a plan to provide education and  
38 training to judicial officers, court personnel, and court-appointed  
39 professionals on the legal requirements for language access, court  
40 policies and rules pertaining to language access, language service

1 provider qualifications, ethics pertaining to interpreter services,  
2 the effective use of translated court documents, and effective  
3 techniques for working with language service providers.

4 ~~(8)~~

5 ~~(H) Review and consider~~ *Reviewing and considering* the  
6 American Bar Association’s Standards for Language Access in  
7 Courts, as adopted February 2012.

8 *(b) The working group shall be consulted before any committee*  
9 *of the Judicial Council brings recommendations to allocate any*  
10 *surplus funds appropriated for interpreter services or to adopt*  
11 *any policy regarding the reimbursement of the courts for*  
12 *interpreter expenditures from the funds appropriated for that*  
13 *purpose.*

14 *(c) On or before September 1, 2014, the Judicial Council and*  
15 *its advisory bodies shall submit an interim report to the*  
16 *Legislature, which shall include the status of its efforts and*  
17 *completion date for the Language Access Plan.*

18 *(d) This section shall remain in effect only until January 1, 2020,*  
19 *and as of that date is repealed, unless a later enacted statute, that*  
20 *is enacted before January 1, 2020, deletes or extends that date.*

21 ~~(d) On or before September 1, 2014, the task force shall provide~~  
22 ~~the LAP to the Judicial Council.~~

23 ~~(e) On or before December 31, 2014, the Judicial Council shall~~  
24 ~~adopt a statewide LAP based on the LAP provided by the task~~  
25 ~~force.~~

26 ~~(f) The requirements of this section shall be implemented upon~~  
27 ~~the appropriation of funding for these purposes in the annual~~  
28 ~~Budget Act or another statute.~~