

AMENDED IN SENATE SEPTEMBER 6, 2013

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

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

February 22, 2013

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

LEGISLATIVE COUNSEL'S DIGEST

AB 1127, as amended, Chau. 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 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 *an amount not to exceed* \$6 million dollars from the Trial Court Trust Fund, *upon allocation by the Judicial Council pursuant to the Judicial Council's existing expenditure authority, or upon appropriation by the Legislature*, from unexpended funds previously allocated for court interpreter services. The bill would 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 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 the establishment of a statewide plan to provide for the translation of court documents using competent and qualified interpreters. The bill would require the Judicial Council and its advisory bodies to submit an interim report to the Legislature on the status of the LAP by September 1, 2014. 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:
- 3 (a) California is one of the most linguistically diverse states in
- 4 the nation. As language diversity continues to increase, there is a
- 5 greater need to ensure that all Californians have meaningful access
- 6 to the court system.

1 (b) There continues to be a need to expand and improve
2 California’s ability to provide language assistance within the
3 judicial system.

4 (c) Currently, California has not developed statewide best
5 practices to address the needs of limited-English-proficient
6 individuals in all court proceedings and at all public points of
7 contact within our courts.

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

16 (e) The continuing shortage of certified and registered
17 interpreters for particular languages and various geographic regions
18 of California impacts the state’s ability to provide meaningful
19 access to justice for all court users.

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

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

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

31 (3) The best practices shall include training guidelines to be
32 utilized by the courts participating in the pilot project described
33 in Section 756.5 to ensure that court interpreters receive training
34 necessary to comply with the requirements of Section 756.5.

35 (b) The working group shall include court executive officers,
36 presiding judges, interpreter coordinators, three interpreters who
37 shall be nominated by an exclusive representative of interpreter
38 employees, experts in training and best practices in the field of
39 court interpretation, representatives of legal services organizations,
40 and organizations representing individuals with limited English

1 proficiency, and others that the Judicial Council determines
2 necessary. The working group shall also include a representative
3 from a rural community.

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

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

8 756.5. (a) The working group described in Section 756 shall
9 select up to three courts to participate in a pilot project, which shall
10 commence on or before July 1, 2014, to provide interpreters in
11 civil proceedings as specified in this section.

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

15 (2) The pilot project, including costs of administration and the
16 preparation of the report to the Legislature required in subdivision
17 (h), may be funded by ~~up to~~ *an amount not to exceed* six million
18 dollars (\$6,000,000) from the Trial Court Trust Fund, *upon*
19 *allocation by the Judicial Council pursuant to the Judicial*
20 *Council's existing expenditure authority, or upon appropriation*
21 by the Legislature, from unexpended funds previously allocated
22 for court interpreter services. The costs of administration and the
23 preparation of the report to the Legislature required in subdivision
24 (h) shall not exceed ~~3~~ *three* percent of the total funding allocation.

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

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

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

37 (A) Actions and proceedings under Section 527.6 of the Code
38 of Civil Procedure.

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

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

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

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

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

15 (4) Interpreters shall be certified or registered pursuant to Article
16 4 (commencing with Section 68560) of Chapter 2 of Title 8 of the
17 Government Code. Subdivisions (c) and (d) of Section 755 shall
18 apply to proceedings described in this section.

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

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

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

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

30 (h) (1) On or before July 1, 2018, the Judicial Council shall
31 report to the Legislature ~~its~~ *the working group's* findings and
32 recommendations based on the experiences of the model pilot
33 project.

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

37 (i) Nothing in this chapter shall limit or restrict courts from
38 providing interpreters in civil proceedings when those services are
39 already being provided or in matters in which the judicial officer
40 deems it necessary to appoint an interpreter.

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

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

9 SEC. 4. Section 68567 is added to the Government Code, to
10 read:

11 68567. (a) (1) The working group described in Section 756
12 of the Evidence Code shall act as an advisory body to any Judicial
13 Council committee, advisory board, or joint committee charged
14 with developing a comprehensive statewide Language Access
15 Plan.

16 (2) In advising a Judicial Council committee, advisory board,
17 or joint committee, the working group shall make recommendations
18 for all of the following:

19 (A) Establishing standards for meaningful and timely provision
20 of language services in all court proceedings and at all public points
21 of contact within the courts.

22 (B) Establishing procedures for gathering comprehensive data
23 on the language access needs of court users, including, but not
24 limited to, providing a means of registering an individual's
25 language needs in court documents. These procedures should
26 provide metrics on the need for interpreter services in court
27 proceedings and ancillary programs and services.

28 (C) Reviewing current court interpreter procedures and
29 recommending improvements or additional procedures to provide
30 the most competent interpreter services to
31 limited-English-proficient court users and to ensure compliance
32 with Rule 2.890 of the California Rules of Court.

33 (D) Reviewing current court procedures and recommending
34 improvements or additional procedures to maximize existing
35 language resources, including bilingual staff, court interpreters,
36 translators, and other resources shared among courts to expand
37 access to language services at all public points of contact within
38 the courts.

39 (E) Reviewing current practices and developing strategies to
40 provide interpreter services that comply with the Trial Court

1 Interpreter Employment and Labor Relations Act (Chapter 7.5
2 (commencing with Section 71800) of Title 8) in all court
3 proceedings. The review may include the evaluation of any
4 programs providing interpreters in domestic violence cases or other
5 civil cases, including any pilot projects.

6 (F) Establishing a statewide plan to provide for the translation
7 of court documents using competent and qualified interpreters.

8 (G) Establishing a plan to provide education and training to
9 judicial officers, court personnel, and court-appointed professionals
10 on the legal requirements for language access, court policies and
11 rules pertaining to language access, language service provider
12 qualifications, ethics pertaining to interpreter services, the effective
13 use of translated court documents, and effective techniques for
14 working with language service providers.

15 (H) Reviewing and considering the American Bar Association's
16 Standards for Language Access in Courts, as adopted February
17 2012.

18 (b) The working group shall be consulted before any committee
19 of the Judicial Council brings recommendations to allocate any
20 surplus funds appropriated for interpreter services or to adopt any
21 policy regarding the reimbursement of the courts for interpreter
22 expenditures from the funds appropriated for that purpose.

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

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

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