

AMENDED IN SENATE AUGUST 21, 2014

AMENDED IN SENATE JUNE 15, 2014

AMENDED IN ASSEMBLY APRIL 29, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1657

Introduced by Assembly Member Gomez
(~~Coauthor:~~ *(Principal coauthor: Assembly Member Chau)*)

February 11, 2014

An act to add Section 756 to, and to repeal Section 755 of, the Evidence Code, and to add Section 68092.1 to the Government Code, relating to courts.

LEGISLATIVE COUNSEL'S DIGEST

AB 1657, as amended, Gomez. Courts: interpreters.

(1) The California Constitution provides that a person unable to understand English who is charged with a crime has the right to an interpreter throughout the proceedings. Existing statutory law requires, in any civil or criminal action, as specified, a sign language interpreter to be appointed for a party or witness who is deaf or hearing-impaired and generally requires the payment of these court interpreters' fees to be a charge against the court.

Existing law generally requires court interpreters' fees to be paid by the litigants in civil cases, as directed by the court, but further requires the fees of an interpreter to be waived for a party who needs an interpreter and appears in forma pauperis.

This bill would expressly authorize the court to provide a court interpreter in any civil action or proceeding at no cost to the parties, regardless of the income of the parties. The bill would require

interpreters to be provided in accordance with a specified order of priority, until sufficient funds are appropriated to provide an interpreter to every party who needs one.

(2) Existing law requires, in any action or proceeding under specified provisions of the Family Code relating to domestic violence, an interpreter to be provided by the court for a party who does not proficiently speak or understand the English language 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 is authorized to issue prescribed orders ex parte without an interpreter. Existing law requires the fees of these interpreters to be paid by the parties, except that these fees shall be waived for parties who need an interpreter and appear in forma pauperis.

This bill would repeal those provisions.

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. Section 755 of the Evidence Code is repealed.
- 2 SEC. 2. Section 756 is added to the Evidence Code, to read:
- 3 756. (a) To the extent required by other state or federal laws,
- 4 the Judicial Council shall reimburse courts for court interpreter
- 5 services provided in civil actions and proceedings to any party
- 6 who is present in court and who does not proficiently speak or
- 7 understand the English language for the purpose of interpreting
- 8 the proceedings in a language the party understands, and assisting
- 9 communications between the party, his or her attorney, and the
- 10 court.
- 11 (b) If sufficient funds are not appropriated to provide an
- 12 interpreter to every party that meets the standard of eligibility,
- 13 court interpreter services in civil cases reimbursed by the Judicial
- 14 Council, pursuant to subdivision (a), shall be prioritized by case
- 15 type by each court in the following order:
- 16 (1) Actions and proceedings under Division 10 (commencing
- 17 with Section 6200) of the Family Code, actions or proceedings
- 18 under the Uniform Parentage Act (Part 3 (commencing with
- 19 Section 7600) of Division 12 of the Family Code) in which a
- 20 protective order has been granted or is being sought pursuant to
- 21 Section 6221 of the Family Code, and actions and proceedings for

1 dissolution or nullity of marriage or legal separation of the parties
2 in which a protective order has been granted or is being sought
3 pursuant to Section 6221 of the Family Code; actions and
4 proceedings under subdivision (w) of Section 527.6 of the Code
5 of Civil Procedure; and actions and proceedings for physical abuse
6 or neglect under the Elder Abuse and Dependent Adult Civil
7 Protection Act (Chapter 11 (commencing with Section 15600) of
8 Part 3 of Division 9 of the Welfare and Institutions Code).

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

10 (3) Actions and proceedings to terminate parental rights.

11 (4) Actions and proceedings relating to conservatorship or
12 guardianship, including the appointment or termination of a probate
13 guardian or conservator.

14 (5) Actions and proceedings by a parent to obtain sole legal or
15 physical custody of a child or rights to visitation.

16 (6) All other actions and proceedings under Section 527.6 of
17 the Code of Civil ~~Procedures~~ *Procedure* or the Elder Abuse and
18 Dependent Adult Civil Protection Act (Chapter 11 (commencing
19 with Section 15600) of Part 3 of Division 9 of the Welfare and
20 Institutions Code).

21 (7) All other actions and proceedings related to family law.

22 (8) All other civil actions or proceedings.

23 (c) (1) If funds are not available to provide an interpreter to
24 every party that meets the standard of eligibility, preference shall
25 be given for parties proceeding in forma pauperis pursuant to
26 Section 68631 of the Government Code in any civil action or
27 proceeding described in paragraph (3), (4), (5), (6), (7), or (8) of
28 subdivision (b).

29 (2) Courts may provide an interpreter to a party outside the
30 priority order listed in subdivision (b) when a qualified interpreter
31 is present and available at the court location and no higher priority
32 action that meets the standard of eligibility described in subdivision
33 (a) is taking place at that location during the period of time for
34 which the interpreter has already been compensated.

35 (d) A party shall not be charged a fee for the provision of a ~~the~~
36 court interpreter.

37 (e) In seeking reimbursement for court interpreter services, the
38 court shall identify to the Judicial Council the case types for which
39 the interpretation to be reimbursed was provided. *Courts shall*
40 *regularly certify that in providing the interpreter services, they*

1 *have complied with the priorities and preferences set forth in*
2 *subdivisions (b) and (c), which shall be subject to review by the*
3 *Judicial Council.*

4 (f) This section shall not be construed to alter, limit, or negate
5 any right to an interpreter in a civil action or proceeding otherwise
6 provided by state or federal law, or the right to an interpreter in
7 criminal, traffic, or other infraction, juvenile, or mental competency
8 actions or proceedings.

9 (g) This section shall not result in a reduction in staffing or
10 compromise the quality of interpreting services in criminal,
11 juvenile, or other types of matters in which interpreters are
12 provided.

13 SEC. 3. Section 68092.1 is added to the Government Code, to
14 read:

15 68092.1. (a) The Legislature finds and declares that it is
16 imperative that courts provide interpreters to all parties who require
17 one, and that both the legislative and judicial branches of
18 government continue in their joint commitment to carry out this
19 shared goal.

20 (b) Notwithstanding Section 26806 or 68092, or any other law,
21 a court may provide an interpreter in any civil action or proceeding
22 at no cost to the parties, regardless of the income of the parties.
23 However, until sufficient funds are appropriated to provide an
24 interpreter to every party who needs one, interpreters shall initially
25 be provided in accordance with the priorities set forth in Section
26 756 of the Evidence Code.