

# HOUSE BILL 589

E2

0lr2242

---

By: **Delegates Norman, Boteler, Dwyer, Frank, George, Haddaway, Jenkins, Kach, Kipke, Krebs, McComas, McConkey, Riley, Schuh, Stocksdales, and Stull**

Introduced and read first time: February 3, 2010

Assigned to: Judiciary

---

## A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Court Costs – Payment for Foreign Language**  
3 **Interpreter**

4 FOR the purpose of altering the definition of “costs” in a criminal case to include a  
5 certain amount for services and expenses paid to a foreign language interpreter  
6 appointed for a defendant; authorizing a court to charge a defendant who is  
7 found guilty of a crime and who was appointed a foreign language interpreter  
8 during the prosecution of the case with certain costs for the services and  
9 expenses of the interpreter under certain circumstances; exempting a defendant  
10 represented by the Office of the Public Defender from being charged the costs of  
11 the interpreter; making stylistic changes; and generally relating to the payment  
12 for a foreign language interpreter in a criminal case.

13 BY repealing and reenacting, with amendments,  
14 Article – Courts and Judicial Proceedings  
15 Section 7–501, 7–502, and 9–114  
16 Annotated Code of Maryland  
17 (2006 Replacement Volume and 2009 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
19 MARYLAND, That the Laws of Maryland read as follows:

20 **Article – Courts and Judicial Proceedings**

21 7–501.

22 (a) In this subtitle the following words have the meanings indicated.

23 (b) **(1)** “Costs” means the cost of prosecuting a person for a crime.

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           **(2) “COSTS” INCLUDES THE AMOUNT PAID TO A FOREIGN**  
2 **LANGUAGE INTERPRETER APPOINTED FOR THE DEFENDANT UNDER § 9–114 OF**  
3 **THIS ARTICLE FOR:**

4                   **(I) COMPENSATION FOR SERVICES; AND**

5                   **(II) REIMBURSEMENT FOR ACTUAL AND NECESSARY**  
6 **EXPENSES INCURRED IN THE PERFORMANCE OF SERVICES.**

7           (c) (1) “Crime” means any act or omission for which a statute or  
8 ordinance imposes a fine or imprisonment.

9                   (2) “Crime” does not include a municipal infraction under Article 23A,  
10 § 3 of the Code.

11           (d) (1) “Fine” means the monetary penalty prescribed by a statute or  
12 ordinance for a crime.

13                   (2) “Fine” does not include costs.

14 7–502.

15           **(A) [A] SUBJECT TO SUBSECTION (B) OF THIS SECTION, A** person who is  
16 found guilty of a crime shall be liable for the costs of the person’s prosecution.

17           **(B) UNLESS THE OFFICE OF THE PUBLIC DEFENDER REPRESENTED**  
18 **THE PERSON IN THE CASE OR UNLESS THE COURT ORDERS OTHERWISE, A**  
19 **PERSON WHO IS FOUND GUILTY OF A CRIME AND WAS APPOINTED A QUALIFIED**  
20 **FOREIGN LANGUAGE INTERPRETER UNDER § 9–114 OF THIS ARTICLE DURING**  
21 **THE PROSECUTION OF THE CASE SHALL BE ASSESSED WITH THE COSTS FOR THE**  
22 **SERVICES AND EXPENSES OF THE INTERPRETER.**

23 9–114.

24           (a) **(1)** If a party or witness is deaf or cannot readily understand or  
25 communicate the spoken English language, any party may apply to the court for the  
26 appointment of a qualified interpreter to assist that person.

27                   **(2)** Upon the application of any party or witness who is deaf the court  
28 shall appoint a qualified interpreter to assist that person.

29                   **(3)** The court shall maintain a directory of interpreters for manual  
30 communication and/or oral interpretation to assist deaf persons.

1 (b) (1) [Any] AN interpreter appointed pursuant to this section shall be  
2 allowed compensation the court deems reasonable.

3 (2) (I) [It is discretionary with] **SUBJECT TO SUBPARAGRAPH**  
4 **(II) OF THIS PARAGRAPH**, the court **MAY**, in accordance with the provisions of the  
5 federal Americans with Disabilities Act, [to] tax, as part of the costs of the case,  
6 [amounts] **THE AMOUNT** paid to an interpreter for services and expenses.

7 (II) **IN A CRIMINAL CASE IN WHICH A DEFENDANT IS FOUND**  
8 **GUILTY OF A CRIME, UNLESS THE OFFICE OF THE PUBLIC DEFENDER**  
9 **REPRESENTED THE DEFENDANT IN THE CASE OR UNLESS THE COURT ORDERS**  
10 **OTHERWISE, THE COURT SHALL CHARGE THE DEFENDANT WHO HAS BEEN**  
11 **APPOINTED A FOREIGN LANGUAGE INTERPRETER WITH THE PART OF THE**  
12 **COSTS FOR THE SERVICES AND EXPENSES OF THE INTERPRETER.**

13 (3) [Otherwise] **EXCEPT AS PROVIDED IN PARAGRAPH (2)(I) AND**  
14 **(II) OF THIS SUBSECTION**, the amount **FOR SERVICES AND EXPENSES OF AN**  
15 **INTERPRETER** shall be paid by the county where the proceedings were initiated.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
17 October 1, 2010.