

An Act

ENROLLED SENATE
BILL NO. 489

By: Brooks of the Senate

and

Walke of the House

An Act relating to courtroom interpreters; amending 20 O.S. 2011, Sections 1701, 1702, 1703, 1704, 1705, 1706, 1708 and 1710, which relate to State Board of Examiners of Certified Courtroom Interpreters, Board duties and powers, certification, continuing education, C.C.I. abbreviation and service of non-certified persons; modifying requirements for service on Board; modifying powers and duties of Board; modifying requirements for certain examination; requiring promulgation of certain rules; requiring certain training; establishing qualifications for certain candidates; authorizing adjustment of certain examinations and scores; adding procedures for certain certification or registration; authorizing certain record checks; requiring fee for certain background checks; authorizing maintenance of certain registry; modifying requirements for certain continuing education; authorizing application by persons with equivalent certification; requiring payment of certain fees; clarifying eligibility for use of certain abbreviations; directing appropriate use of services of lesser credentialed persons; modifying definition; updating statutory references; and providing an effective date.

SUBJECT: Courtroom interpreters

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 20 O.S. 2011, Section 1701, is amended to read as follows:

Section 1701. A. There is hereby created the State Board of Examiners of Certified Courtroom Interpreters which shall consist of five (5) members, four of whom shall be certified courtroom interpreters and at least one of whom shall be a qualified interpreter as defined in Section 2408 of Title 63 of the Oklahoma Statutes, at least one of whom shall be certified in Spanish, and at least one of whom shall be certified in Vietnamese. The Board shall also consist of one member who shall be a licensed attorney or judge and who shall not be required to be a certified courtroom interpreter ~~or translator~~. The members shall be persons who have been, for at least two (2) years prior to their appointment to the Board, residents of this state and, except for the attorney or judge member, certified courtroom interpreters. All members shall be appointed by the Chief Justice of the Supreme Court and shall serve in staggered terms, each for a period of five (5) years except for the initial appointees who shall serve terms pursuant to subsection B of this section. ~~No member may serve more than two terms in succession.~~ The Board shall elect from its membership a chair and a secretary. Three members shall constitute a quorum. The Board may adopt a seal for its official use. All actions of the Board shall be supervised by the Supreme Court and be subjected to approval by the Court. All members shall be required to maintain their certification during their time on the Board. The Chief Justice may authorize other individuals to serve as Board members upon recommendation of the Board that it is in the best interest of the court interpreter credentialing program to do so.

B. The initial members of the Board shall serve as follows:

1. The members constituting the initial Board under ~~this act Sections 1701 through 1710 of this title~~ shall be certified as a courtroom interpreter or translator interpreters in another state or under the federal system ~~until obtaining, during their first year of service, certification in this state~~ or shall be other individuals appointed by the Chief Justice; and

2. The initial appointees shall serve for staggered terms: one member shall serve for one (1) year, one member shall serve for two (2) years, one member shall serve for three (3) years, one member

shall serve for four (4) years, and one member shall serve for five (5) years. Thereafter, all terms shall be for five (5) years.

SECTION 2. AMENDATORY 20 O.S. 2011, Section 1702, is amended to read as follows:

Section 1702. A. The State Board of Examiners of Certified Courtroom Interpreters shall:

1. Determine and establish levels of recognized courtroom interpreter or translator certifications and specialization certificates credentials in this state including but not limited to certified and registered courtroom interpreters, to meet the needs of a variety of court proceedings, as the Board deems necessary and appropriate;

2. Conduct preliminary investigations to determine the qualifications of applicants seeking to attain ~~the status of certified~~ an Oklahoma courtroom interpreter or translator credential;

3. Conduct at least once a year, at a place and time to be published by reasonable notice as directed by the Supreme Court, ~~an examination~~ the training program and examinations required of those persons who seek to attain the status of certified an Oklahoma courtroom interpreter or translator credential, or contract for such ~~examination~~ training program and examinations. The Board shall also include an examination of interpreter ~~or translator~~ ethics as a condition of attaining ~~the status of certified~~ an Oklahoma courtroom interpreter or translator credential;

4. Recommend to the Supreme Court for official enrollment as certified or registered courtroom interpreter or ~~translator~~ other recognized levels of interpreter credentials those persons who, on their ~~examination~~ examinations, have established the requisite proficiency as set forth in the Board's rules and Section 3 1703 of this ~~act~~ title;

5. Conduct proceedings, on reasonable notice, the object of which are to recommend to the Supreme Court the suspension, cancellation, revocation, or reinstatement of the enrollment of a certified courtroom interpreter ~~or translator or of the status of~~

~~any acting courtroom interpreter or translator, regular or provisional,~~ on the following grounds:

- a. a final conviction of a criminal offense involving moral turpitude,
- b. misrepresentation in obtaining licensure an Oklahoma courtroom interpreter credential,
- c. any violation of or noncompliance with any rule or directive of the Supreme Court including but not limited to the Code of Professional Responsibility for Interpreters in the Oklahoma Courts,
- d. fraud, gross incompetence, or gross or habitual neglect of duty,
- e. misrepresentation of credential level or status while engaging in the practice of courtroom interpreting in a court of this state or translating using a method for which the interpreter or translator is not certified accepting payment from the court at an hourly rate greater than the rate authorized for the level of credential held by the interpreter,
- f. engaging in the practice of courtroom interpreting or translating in a court of this state while certification is suspended,
- g. nonpayment of renewal dues failure to renew credential pursuant to rules of the Board, or
- h. failure to annually complete at least eight (8) hours of continuing education approved by the State Board of Examiners of Courtroom Interpreters;

6. Adopt, with the approval of the Supreme Court, examination standards and rules governing enrollment, discipline, suspension, cancellation, and revocation proceedings and any other matter within the Board's cognizance; and

7. Keep a current roll of registered and certified courtroom interpreters and a file on all disciplined registered and certified courtroom interpreters, ~~official or unofficial, regular or provisional.~~

B. In all hearings or investigations on revocation, cancellation, or suspension of enrollment, each Board member shall be empowered to administer oaths or affirmations, subpoena witnesses, and take evidence anywhere in the state, after giving reasonable notice to the party whose status is sought to be affected.

C. If the Board establishes additional levels of Oklahoma courtroom interpreter credentials, the Board shall exercise all related powers and duties as set forth in this section.

SECTION 3. AMENDATORY 20 O.S. 2011, Section 1703, is amended to read as follows:

Section 1703. A. Every applicant who seeks to be examined for enrollment as a certified or registered spoken language courtroom interpreter ~~or translator~~ shall prove to the satisfaction of the State Board of Examiners of Courtroom Interpreters that he or she:

1. Is of legal age;
2. Meets the requisite standards of ethical fitness as established by the Board pursuant to the recommendation of the State Ethics Commission; and
3. Has at least a high school education or its equivalent.

~~B. The examination for certification for the level for which applied in one or more authorized methods or languages of courtroom interpreting or translating shall consist of three parts, designated as Part 1, Part 2, and Part 3 as follows:~~

~~1. Part 1 consists of proof of having passed the Oklahoma Courtroom Interpreter Examination for the level for which the individual has applied or an equivalent test as authorized by the Supreme Court consisting of the following requirements: demonstrated proficiency in interpreting or translating from the~~

~~source language to the target language at a level of at least eighty percent (80%) proficiency, and demonstrated proficiency in interpreting or translating from the target language to the source language at a level of at least eighty percent (80%) proficiency. This test shall include legal terminology and shall involve scenarios related to courtroom interpreting or translating such as opening statements, closing arguments, witness examinations, and evidence translation;~~

~~2. Part 2 consists of a written exam of not less than twenty-five multiple choice questions relating to the ethical responsibilities of courtroom interpreters; and~~

~~3. Part 3 is the Oklahoma Written Knowledge Test for Courtroom Interpreters which consists of not less than twenty-five multiple choice questions relating to Oklahoma law and court rules, duties of courtroom interpreters, and general court procedure. The examination shall be approved by the Supreme Court. A person who has tested with the Board and successfully completed the written knowledge portion of the examination shall be allowed to retain the credit for that portion for one (1) year from the date passed, and shall not be required to retake that portion during the one-year period. The Board shall promulgate rules establishing interpreter credentialing standards and requiring the use of oral and written interpreter examinations consistent with nationally recognized state court interpreter certification standards including but not limited to those developed through the National Center for State Courts language access programs. Candidates shall be required to attend a training program approved by the Board, and shall be required to establish their proficiency in English and in the foreign language through the written and oral examinations required by the Board.~~

1. A candidate seeking to become a registered courtroom interpreter shall:

- a. complete a courtroom interpreter orientation program conducted or sponsored by the Board which shall educate the candidate about interpreting in the Oklahoma courts, interpreter skills development, courtroom procedure and decorum, legal terminology, methods and modes of interpretation and interpreter ethics and professionalism,

- b. successfully pass the court interpreter Written English Examination approved by the Board with a score of eighty percent (80%) or better in order to demonstrate the candidate's knowledge of three areas central to the work of a court interpreter (1) the English language including language comprehension, vocabulary, synonyms, antonyms and idioms; (2) court-related terms and usage including legal terminology and court procedures; and (3) interpreter ethics and professional conduct,
- c. establish basic proficiency in the foreign language by successfully passing either an oral proficiency interview or a written translation examination for the foreign language being tested, as specified by the Board, and
- d. agree in writing to be bound by the Code of Professional Responsibility for Courtroom Interpreters in Oklahoma.

2. A candidate seeking to become a certified courtroom interpreter shall:

- a. be currently enrolled as a registered courtroom interpreter in this state in accordance with the Board's rules and examination standards, and
- b. successfully pass the court interpreter oral examination authorized by the Board for the language being certified with an overall score of seventy percent (70%) or better in each of the sections of the exam in order to demonstrate the candidate possesses the requisite degree of skill and ability in all three modes of interpreting: simultaneous interpreting, consecutive interpreting and sight translation.

3. The Board may adjust the examinations and the scores required to pass each of the interpreter examinations in this state in order to maintain equivalency with the nationally recognized interpreter credentialing standards and maximize the reciprocity

between Oklahoma's interpreter credentialing program and other state and national credentialing programs. For languages in which a recognized three-part oral exam is unavailable, the Board may authorize an abbreviated oral examination from the National Center for State Courts, or other approved entity, if one is available. If no abbreviated oral examination is available, the Board may, at its discretion, recognize other oral proficiency examinations or interviews on a per-language basis.

C. An applicant who is academically dishonest when taking any authorized examination is disqualified and may not take the examination again until five (5) years have elapsed from the date of the examination at which the applicant is disqualified.

~~D. A certification issued under this section must be for one or more of the following methods of courtroom interpreting or translating:~~

~~1. Translation of written text;~~

~~2. Interpretation of spoken words; or~~

~~3. Any other method of interpreting or translating authorized by the Supreme Court~~ All applicants who satisfy the credentialing requirements set forth in this section and in the Board's rules and have otherwise been found and approved by the Board to be fit and proper persons shall be recommended by the Board to the Supreme Court for official enrollment as certified or registered courtroom interpreters. Any individual enrolled as a certified or registered courtroom interpreter is qualified to engage in the translation of written text and the interpretation of spoken words in the courts of this state.

~~E. Effective January 1, 2006, no person may engage in courtroom interpreting or translating unless the person is a certified courtroom interpreter or translator; provided, however, nothing shall preclude the Board from issuing provisional certificates pursuant to its rules~~ In district court proceedings, the court shall endeavor to obtain the services of a courtroom interpreter with the highest available level of credential prior to accepting services of an interpreter with lesser credential and skill, pursuant to the

requirements set forth in the Rules of the Supreme Court and Section 1710 of this title.

F. In determining whether an applicant meets the requisite standards of ethical fitness as set forth in this section, the Board is authorized to conduct a criminal history record check including but not limited to a criminal history record check through the Oklahoma State Bureau of Investigation (OSBI), or a national criminal history record check through the Federal Bureau of Investigation (FBI) pursuant to Section 150.9 of Title 74 of the Oklahoma Statutes or other applicable statute. This paragraph is specifically intended to provide the statutory authority required by the OSBI and FBI to provide criminal history background check services and information to the Board for this purpose. Applicants shall furnish all releases, authorizations, fingerprints or other items necessary to enable the Board to conduct the background check. The Board shall charge the applicant a fee in an amount approved by the Supreme Court for the background check.

G. The Board may maintain a registry of certified interpreters for the deaf and hard-of-hearing to serve as qualified legal interpreters pursuant to the provisions of Section 2408 of Title 63 of the Oklahoma Statutes. Applicants shall establish to the satisfaction of the Board that they hold at least one of the sign language interpreting credentials which the Board deems appropriate for interpreting in the courts of this state, and shall satisfy the registration requirements as set forth in the rules of the Board.

SECTION 4. AMENDATORY 20 O.S. 2011, Section 1704, is amended to read as follows:

Section 1704. A. Every registered or certified courtroom interpreter or translator and ~~every courtroom interpreter or translator temporarily employed by a court of competent jurisdiction~~ shall annually complete at least eight (8) hours of continuing education approved by the State Board of Examiners of Courtroom Interpreters, which shall include at least two (2) hours which relate to Oklahoma court rules and procedures or interpreter ethics.

B. A certified courtroom interpreter ~~or translator~~ is exempt from the requirement of subsection A of this section if the

interpreter ~~or translator~~ verifies under oath to the State Board of Examiners of Certified Courtroom Interpreters that such person:

1. Is a member of the armed forces on full-time active duty which has prevented the court interpreter from completing continuing education during the ~~entire~~ calendar year for which the interpreter or translator seeks an exemption; or

2. Has provided written verification by a licensed physician that a medical condition has prevented the court interpreter ~~or translator~~ from working in such capacity and completing continuing education for the calendar year for which the interpreter ~~or translator~~ seeks an exemption.

SECTION 5. AMENDATORY 20 O.S. 2011, Section 1705, is amended to read as follows:

Section 1705. A person holding a ~~license from another state or federal certification~~ which is deemed by the State Board of Examiners of Certified Courtroom Interpreters to be equivalent to that of an Oklahoma certified courtroom interpreter ~~or translator~~ may apply to be enrolled without examination as an Oklahoma certified courtroom interpreter ~~or translator~~ upon payment of fees established by the Board, and satisfying the Board that such person's credentials are in proper order ~~and that he or she is a resident of Oklahoma. The court may utilize a person certified in another state to serve as an interpreter or translator for a particular case provided such person has registered in accordance with the rules of the Board.~~

SECTION 6. AMENDATORY 20 O.S. 2011, Section 1706, is amended to read as follows:

Section 1706. A person holding a ~~license~~ certification from a national entity which is deemed by the State Board of Examiners of Certified Courtroom Interpreters to be equivalent to that of an Oklahoma certified courtroom interpreter ~~or translator~~ may apply to be enrolled without examination as an Oklahoma certified courtroom interpreter ~~or translator~~ upon payment of fees established by the Board with the approval of the Supreme Court and satisfying the Board that such person's credentials are in proper order ~~and that he or she is a resident of Oklahoma.~~

SECTION 7. AMENDATORY 20 O.S. 2011, Section 1708, is amended to read as follows:

Section 1708. The Board may adopt rules establishing different levels of courtroom interpreter certifications recognized in the courts of this state including certified courtroom interpreters and registered courtroom interpreters. Every person enrolled as a certified courtroom interpreter ~~or translator~~ shall be entitled to use the abbreviation C.C.I. after his or her name. Every person enrolled as a registered courtroom interpreter shall be entitled to use the abbreviation R.C.I. after his or her name. Courtroom interpreters holding a provisional ~~certification~~ status do not hold an official certification, and shall not be allowed the use of the abbreviation. Certified and registered courtroom interpreters shall be authorized to interpret ~~or~~ spoken words and translate written text in all proceedings related to the case to which he or she has been assigned.

SECTION 8. AMENDATORY 20 O.S. 2011, Section 1710, is amended to read as follows:

Section 1710. In district court proceedings, the court shall endeavor to obtain the services of a courtroom interpreter with the highest available level of credential prior to accepting services of an interpreter with lesser credential and skill. Certified courtroom interpreters have the highest recognized level of credential in this state, and registered courtroom interpreters have the next highest level. When good cause is shown and the court has determined that it would not be practical, within a reasonable time frame, to secure the services of an individual certified under ~~this act~~ Sections 1701 through 1710 of this title, the court may utilize the services of a ~~non-certified person~~ registered courtroom interpreter. When good cause is shown and the court has determined that it would not be practical, within a reasonable time frame, to secure the services of a registered courtroom interpreter, the court may utilize the services of a provisional interpreter or other person who does not hold a certified or registered credential. If the Board establishes additional levels of qualified interpreters, the court shall follow the recognized hierarchy of credential when endeavoring to obtain interpreter services. For purposes of this section, "good cause" means that due to the nature of the hearing,

and time being of the essence, the securing of a certified or registered interpreter ~~or translator~~ would not be possible due to the time, distance, or availability of a certified or registered interpreter ~~or translator~~. The court shall make a specific finding as to the good cause for the emergency circumstances. In addition, the ~~non-certified~~ non-credentialed person shall have reasonably demonstrated to the court and the parties such person's proficiency for the purposes of that hearing. It is also mandatory that the proceedings are audio taped, and in the event of deaf or hard of hearing individuals, audio and video taped. The recording shall be labeled and remain an official part of the record.

SECTION 9. This act shall become effective November 1, 2019.

Passed the Senate the 25th day of February, 2019.

Presiding Officer of the Senate

Passed the House of Representatives the 25th day of April, 2019.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____