
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 669 Session of
2005

INTRODUCED BY COSTA, GREENLEAF, STOUT, TOMLINSON, EARLL, ORIE,
RAFFERTY, STACK, O'PAKE, LOGAN, PIPPY, MUSTO, C. WILLIAMS,
WONDERLING, TARTAGLIONE, KASUNIC, LAVALLE, PILEGGI AND
KITCHEN, MAY 9, 2005

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF
REPRESENTATIVES, AS AMENDED, OCTOBER 17, 2006

AN ACT

1 Amending Titles 2 (Administrative Law and Procedure) and 42
2 (Judiciary and Judicial Procedure) of the Pennsylvania
3 Consolidated Statutes, providing for court and administrative
4 proceeding interpreters; and repealing related provisions.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Section 101 of Title 2 of the Pennsylvania
8 Consolidated Statutes is amended to read:

9 § 101. Definitions.

10 Subject to additional definitions contained in subsequent
11 provisions of this title which are applicable to specific
12 provisions of this title, the following words and phrases when
13 used in this title shall have, unless the context clearly
14 indicates otherwise, the meanings given to them in this section:

15 "Adjudication." Any final order, decree, decision,
16 determination or ruling by an agency affecting personal or
17 property rights, privileges, immunities, duties, liabilities or

1 obligations of any or all of the parties to the proceeding in
2 which the adjudication is made. The term does not include any
3 order based upon a proceeding before a court or which involves
4 the seizure or forfeiture of property, paroles, pardons or
5 releases from mental institutions.

6 "Administrative law judge." An individual appointed by an
7 agency to preside at an administrative proceeding.

8 "Administrative proceeding." Any proceeding other than a
9 judicial proceeding, the outcome of which is required to be
10 based on a record or documentation prescribed by law or in which
11 law or regulation is particularized in application to
12 individuals. The term includes an appeal.

13 "Agency." A government agency.

14 "Appeal." Includes proceedings on petition for review.

15 "Certified interpreter." A person who:

16 (1) is readily able to interpret; and

17 (2) is certified by the Department of Labor and Industry
18 in accordance with Subchapter C (relating to administrative
19 proceeding interpreters for persons with limited English
20 proficiency) or D (relating to administrative proceeding
21 interpreters for persons who are deaf) of Chapter 5.

22 "Commonwealth agency." Any executive agency or independent
23 agency.

24 "Commonwealth government." The government of the
25 Commonwealth, including the courts and other officers or
26 agencies of the unified judicial system, the General Assembly,
27 and its officers and agencies, the Governor, and the
28 departments, boards, commissions, authorities and officers and
29 agencies of the Commonwealth, but the term does not include any
30 political subdivision, municipal or other local authority, or

1 any officer or agency of any such political subdivision or local
2 authority.

3 "Court Administrator of Pennsylvania." The court
4 administrator appointed by the Supreme Court under section 10(b)
5 of Article V of the Constitution of Pennsylvania and 42 Pa.C.S.
6 § 1901 (relating to Court Administrator of Pennsylvania).

7 "Deaf." An impairment of hearing or speech which creates an
8 inability to understand or communicate the spoken English
9 language.

10 "Department." The Department of Labor and Industry of the
11 Commonwealth.

12 "Executive agency." The Governor and the departments,
13 boards, commissions, authorities and other officers and agencies
14 of the Commonwealth government, but the term does not include
15 any court or other officer or agency of the unified judicial
16 system, the General Assembly and its officers and agencies, or
17 any independent agency.

18 "General rule." As defined in 42 Pa.C.S. § 102 (relating to
19 definitions).

20 "Government agency." Any Commonwealth agency or any
21 political subdivision or municipal or other local authority, or
22 any officer or agency of any such political subdivision or local
23 authority.

24 "Government unit." The General Assembly and its officers and
25 agencies, any government agency or any court or other officer or
26 agency of the unified judicial system.

27 "Independent agency." Boards, commissions, authorities and
28 other agencies and officers of the Commonwealth government which
29 are not subject to the policy supervision and control of the
30 Governor, but the term does not include any court or other

officer or agency of the unified judicial system or the General Assembly and its officers and agencies.

"Interpret." Either one of the following:

(1) For purposes of Subchapter C of Chapter 5 (relating to administrative proceeding interpreters for persons with limited English proficiency), to convey spoken and written English into the language of the person with limited English proficiency and to convey oral and written statements by the person into SPOKEN English.

(2) For purposes of Subchapter D of Chapter 5 (relating to administrative proceeding interpreters for persons who are deaf), to convey spoken English in a manner understood by the person who is deaf and to convey statements made by the person who is deaf into English through, but not limited to, American Sign Language and transliteration or the use of Computer Aided Real Time Captioning (CART) or similar procedure.

"Interpreter." Includes both a certified interpreter and an otherwise qualified interpreter.

"Judicial proceeding." An "action," "appeal" or "proceeding" in any "court" of this Commonwealth as those terms are defined in 42 Pa.C.S. § 102 (relating to definitions).

"Limited ability to speak or understand English." The ability to speak exclusively or primarily a language other than English and the inability to sufficiently speak or understand English.

"Local agency." A government agency other than a Commonwealth agency.

"Matter." Action, proceeding or appeal.

"Otherwise qualified interpreter." A person who:

1 (1) For purposes of Subchapter C of Chapter 5 (relating
2 to administrative proceeding interpreters for persons with
3 limited English proficiency):

4 (i) is readily able to interpret; and

5 (ii) has read, understands and agrees to abide by
6 the code of professional conduct for administrative
7 proceeding interpreters for persons with limited English
8 proficiency as established by the Department of Labor and
9 Industry in accordance with Subchapter C of Chapter 5.

10 (2) For purposes of Subchapter D of Chapter 5 (relating
11 to administrative proceeding interpreters for persons who are
12 deaf):

13 (i) is readily able to interpret;

14 (ii) is certified by the National Association of the
15 Deaf, the Registry of Interpreters for the Deaf or
16 similar registry; and

17 (iii) has read, understands and agrees to abide by
18 the code of professional conduct for administrative
19 proceeding interpreters for persons who are deaf as
20 established by the Department of Labor and Industry in
21 accordance with Subchapter D of Chapter 5.

22 "Party." Any person who appears in a proceeding before an
23 agency who has a direct interest in the subject matter of such
24 proceeding.

25 "Person." Includes a government unit or an agency of the
26 Federal Government.

27 "Person who is deaf." A party or witness who is deaf.

28 "Person with limited English proficiency." A party or a
29 witness who has limited ability to speak or understand English.

30 "Transliteration." To convey spoken or written English in an

1 English-based sign system and the process of conveying an
2 English-based sign system in spoken or written English.

3 "Witness." A person who testifies in a proceeding before an
4 agency.

5 ~~Section 2. Section 505.1 of Title 2 is repealed.~~ <—

6 SECTION 2. SECTION 505.1 OF TITLE 2 IS AMENDED TO READ: <—

7 [§ 505.1. INTERPRETERS FOR THE DEAF.

8 (A) APPOINTMENT.--IN ANY PROCEEDING BEFORE A COMMONWEALTH
9 AGENCY IN WHICH A PARTY IS DEAF THE AGENCY SHALL APPOINT AN
10 INTERPRETER TO ASSIST THE PARTY THROUGHOUT THE PROCEEDING.

11 (B) OATH.--THE INTERPRETER SHALL SWEAR OR AFFIRM THAT HE
12 WILL MAKE A TRUE INTERPRETATION TO THE DEAF PERSON AND THAT HE
13 WILL REPEAT THE STATEMENTS OF THE DEAF PERSON TO THE BEST OF HIS
14 ABILITY.

15 (C) DEFINITIONS.--AS USED IN THIS SECTION THE FOLLOWING
16 WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS
17 SUBSECTION:

18 "DEAF." PERSONS WHO ARE DEAF OR WHOSE HEARING IS SO IMPAIRED
19 THAT THEY ARE UNABLE TO UNDERSTAND OR COMMUNICATE THE SPOKEN
20 ENGLISH LANGUAGE.

21 "INTERPRETER." A PERSON QUALIFIED AND TRAINED TO TRANSLATE
22 FOR OR COMMUNICATE WITH DEAF PERSONS. ANY PERSON CERTIFIED BY
23 THE NATIONAL OR LOCAL REGISTRY OF INTERPRETERS FOR THE DEAF OR
24 SIMILAR REGISTRY SHALL BE CONSIDERED QUALIFIED FOR THE PURPOSES
25 OF THIS SECTION.]

26 Section 3. Chapter 5 of Title 2 is amended by adding
27 subchapters to read:

28 SUBCHAPTER C

29 ADMINISTRATIVE PROCEEDING INTERPRETERS

30 FOR PERSONS WITH LIMITED ENGLISH PROFICIENCY

1 Sec.

2 561. Scope of subchapter.

3 562. Duties of department.

4 563. Appointment of interpreter.

5 564. Replacement of interpreter.

6 565. Oath.

7 566. Confidential communications in presence of interpreter.

8 567. Cost of providing interpreter.

9 568. Funding.

10 § 561. Scope of subchapter.

11 (a) Commonwealth agencies.--Except as provided in subsection

12 (b), this subchapter applies to all Commonwealth agencies.

13 (b) Exception.--This subchapter does not apply to:

14 (1) Proceedings before the Department of Revenue, the
15 Department of the Auditor General or the Board of Finance and
16 Revenue involving the original settlement, assessment or
17 determination or resettlement, reassessment or
18 redetermination, review or refund of taxes, interest or
19 payments made into the State Treasury.

20 (2) Proceedings before the Secretary of the Commonwealth
21 under the act of June 3, 1937 (P.L.1333, No.320), known as
22 the Pennsylvania Election Code.

23 (3) Proceedings before the Department of Transportation
24 involving matters reviewable under 42 Pa.C.S. § 933 (relating
25 to appeals from government agencies).

26 (4) Proceedings before the State System of Higher
27 Education involving student discipline.

28 (c) Local agencies.--This subchapter applies to all local
29 agencies.

30 § 562. Duties of department.

1 (a) Interpreter program.--The department shall establish a
2 program to appoint and use certified interpreters in
3 administrative proceedings that is consistent with the program
4 established by the Administrative Office of Pennsylvania Courts
5 pursuant to 42 Pa.C.S. Ch. 44 (relating to court interpreters).
6 To certify interpreters, the department shall establish a
7 program which may include:

8 (1) establishing and administering a comprehensive
9 testing and certification program for interpreters;

10 (2) establishing and adopting standards of proficiency,
11 written and oral, in English and the language to be
12 interpreted, including, but not limited to, certification by
13 the Court Administrator of Pennsylvania as provided in 42
14 Pa.C.S. Ch. 44;

15 (3) conducting periodic examinations to ensure the
16 availability of certified interpreters;

17 (4) prescribing, determining and certifying the
18 qualifications of persons who may serve as certified
19 interpreters for persons with limited English proficiency;

20 (5) charging reasonable fees, as deemed necessary, for
21 testing and certification;

22 (6) reciprocity of certification for interpreters from
23 other jurisdictions provided that in the judgment of the
24 department, the criteria for certification in the foreign
25 jurisdiction is at least as stringent as that established by
26 the department or the Court Administrator of Pennsylvania;

27 (7) providing for the audio recording of testimony that
28 is the subject of interpretation; and

29 (8) providing a continuing education requirement for
30 interpreters.

1 (b) List of certified interpreters.--The department shall
2 compile, maintain and disseminate a current list of interpreters
3 certified by the department to the agencies through any means
4 deemed appropriate by the department, including, but not limited
5 to, a written directory and publication on the official World
6 Wide Web site of the department.

7 (c) Guidelines for selection of otherwise qualified
8 interpreters.--The department shall provide guidelines to the
9 agencies for the selection and use of otherwise qualified
10 interpreters in order to ensure that the highest standards of
11 accuracy are maintained in all administrative proceedings
12 subject to this subchapter.

13 (d) Fee schedule.--The department shall prescribe, subject
14 to periodic review, a schedule of reasonable fees for services
15 rendered by certified interpreters and otherwise qualified
16 interpreters.

17 (e) Standards of professional conduct.--

18 (1) The department shall establish and adopt standards
19 for a code of professional conduct for administrative
20 proceeding interpreters for persons with limited English
21 proficiency.

22 (2) The department shall establish, administer or
23 recommend a process to review and respond to allegations of
24 violations of the code of professional conduct for
25 administrative proceeding interpreters for persons with
26 limited English proficiency, including, but not limited to,
27 decertification and other disciplinary measures.

28 (f) Certification by courts.--Any interpreter certified by
29 the Administrative Office of Pennsylvania Courts pursuant to 42
30 Pa.C.S. Ch. 44 shall be deemed certified pursuant to this

1 chapter.

2 § 563. Appointment of interpreter.

3 (a) Appointment of certified interpreter.--Upon request OR <—
4 SUA SPONTE, an administrative law judge shall appoint a
5 certified interpreter, unless a certified interpreter is
6 unavailable as provided in subsection (b).

7 (b) Appointment of otherwise qualified interpreter when
8 certified interpreter is unavailable.--

9 (1) An otherwise qualified interpreter shall be
10 appointed by the administrative law judge if a good faith
11 effort was made to obtain a certified interpreter and a
12 certified interpreter was not reasonably available, as
13 determined by the administrative law judge.

14 (2) Prior to the appointment of an otherwise qualified
15 interpreter, the administrative law judge shall state on the
16 record that the otherwise qualified interpreter:

17 (i) is readily able to interpret; and

18 (ii) has read, understands and agrees to abide by
19 the code of professional conduct for administrative
20 proceeding interpreters for persons with limited English
21 proficiency, as established by the department.

22 (c) Additional interpreters.--After consideration of the
23 length of the administrative proceeding and the number of
24 persons with limited English proficiency involved, an
25 administrative law judge may appoint, as provided in subsections
26 (a) and (b), an additional interpreter or provide for additional
27 interpretation in a manner deemed appropriate by the
28 administrative law judge.

29 § 564. Replacement of interpreter.

30 An administrative law judge shall dismiss the interpreter and

1 obtain the services of another interpreter in accordance with
2 this subchapter, if the interpreter:

3 (1) Fails to follow the standards prescribed by law or
4 by the code of professional conduct for administrative
5 proceeding interpreters for persons with limited English
6 proficiency.

7 (2) Is unable to effectively communicate with the
8 administrative law judge or the person with limited English
9 proficiency, including where the interpreter self-reports
10 such inability.

11 § 565. Oath.

12 Before the commencement of interpreter duties, an interpreter
13 appointed under this subchapter shall take an oath or make an
14 affirmation on the record that the interpreter will make a true
15 interpretation to the person with limited English proficiency in
16 the language which the person with limited English proficiency
17 understands and that the interpreter will repeat the statements
18 of the person with limited English proficiency to the court in
19 English to the best of the interpreter's skill and judgment and
20 in accordance with the code of professional conduct for
21 administrative proceeding interpreters for persons with limited
22 English proficiency.

23 § 566. Confidential communications in presence of interpreter.

24 An interpreter appointed under this subchapter may not be
25 compelled to testify, in any judicial proceeding or
26 administrative proceeding, to statements made by the person with
27 limited English proficiency and interpreted by the interpreter
28 when the person with limited English proficiency is engaged in a
29 confidential communication as provided by any statute or general
30 rule, including, but not limited to:

1 (1) 42 Pa.C.S. § 5916 (relating to confidential
2 communications to attorney).

3 (2) 42 Pa.C.S. § 5928 (relating to confidential
4 communications to attorney).

5 (3) 42 Pa.C.S. § 5942 (relating to confidential
6 communications to news reporters).

7 (4) 42 Pa.C.S. § 5943 (relating to confidential
8 communications to clergymen).

9 (5) 42 Pa.C.S. § 5944 (relating to confidential
10 communications to psychiatrists or licensed psychologists).

11 (6) 42 Pa.C.S. § 5945 (relating to confidential
12 communications to school personnel).

13 (7) 42 Pa.C.S. § 5945.1 (relating to confidential
14 communications with sexual assault counselors).

15 (8) 42 Pa.C.S. § 5945.2 (relating to confidential
16 communications to crime stopper or similar anticrime
17 program).

18 § 567. Cost of providing interpreter.

19 An interpreter appointed in accordance with this subchapter
20 is entitled to a reasonable fee for interpreter services and
21 shall be reimbursed for actual and reasonable expenses by the
22 agency conducting the administrative proceeding.

23 § 568. Funding.

24 Except as provided in section 567 (relating to cost of
25 providing interpreter), the General Assembly shall appropriate
26 to the department such sums as may be necessary to establish a
27 program to facilitate the use of interpreters and otherwise
28 fulfill the provisions of this subchapter. Implementation of
29 this section is contingent upon the availability of appropriated
30 funds to carry out the purposes of this section.

SUBCHAPTER D

ADMINISTRATIVE PROCEEDING INTERPRETERS

FOR PERSONS WHO ARE DEAF

Sec.

581. Scope of subchapter.

582. Duties of department.

583. Appointment of interpreter.

584. Replacement of interpreter.

585. Oath.

586. Confidential communications in presence of interpreter.

587. Cost of providing interpreter.

588. Funding.

§ 581. Scope of subchapter.

(a) Commonwealth agencies.--Except as provided in subsection

(b), this subchapter applies to all Commonwealth agencies.

(b) Exception.--This subchapter does not apply to:

(1) Proceedings before the Department of Revenue, the Department of the Auditor General or the Board of Finance and Revenue, involving the original settlement, assessment or determination or resettlement, reassessment or redetermination, review or refund of taxes, interest or payments made into the State Treasury.

(2) Proceedings before the Secretary of the Commonwealth under the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code.

(3) Proceedings before the Department of Transportation involving matters reviewable under 42 Pa.C.S. § 933 (relating to appeals from government agencies).

(4) Proceedings before the State System of Higher Education involving student discipline.

1 (c) Local agencies.--This subchapter applies to all local
2 agencies.

3 § 582. Duties of department.

4 (a) Interpreter program.--The department shall establish a
5 program to appoint and use certified interpreters in
6 administrative proceedings that is consistent with the program
7 established by the Administrative Office of Pennsylvania Courts
8 pursuant to 42 Pa.C.S. Ch. 44 (relating to court interpreters).
9 To certify interpreters, the department shall establish a
10 program which may include:

11 (1) establishing and administering a comprehensive
12 testing and certification program for interpreters;

13 (2) establishing and adopting standards of proficiency,
14 including, but not limited to, certification by the Court
15 Administrator of Pennsylvania as provided in 42 Pa.C.S. Ch.
16 44 and certification by the Registry for Interpreters for the
17 Deaf or similar registry;

18 (3) conducting periodic examinations to ensure the
19 availability of certified interpreters;

20 (4) prescribing, determining and certifying the
21 qualifications of persons who may serve as certified
22 interpreters;

23 (5) charging reasonable fees, as deemed necessary, for
24 testing and certification;

25 (6) reciprocity of certification for interpreters from
26 other jurisdictions provided that in the judgment of the
27 department, the criteria for certification in the foreign
28 jurisdiction is as least as stringent as that established by
29 the department or the Court Administrator of Pennsylvania;

30 (7) providing for the audio recording of testimony that

1 is the subject of interpretation; and

2 (8) providing a continuing education requirement for
3 interpreters.

4 (b) List of certified interpreters.--The department shall
5 compile, maintain and disseminate a current list of interpreters
6 certified by the department to the agencies through any means
7 deemed appropriate by the department, including, but not limited
8 to, a written directory and publication on the official World
9 Wide Web site of the department.

10 (c) Guidelines for selection of otherwise qualified
11 interpreters.--The department shall provide guidelines to the
12 agencies for the selection and use of otherwise qualified
13 interpreters in order to ensure that the highest standards of
14 accuracy are maintained in all administrative proceedings
15 subject to this subchapter.

16 (d) Fee schedule.--The department shall prescribe, subject
17 to periodic review, a schedule of reasonable fees for services
18 rendered by certified interpreters and otherwise qualified
19 interpreters.

20 (e) Standards of professional conduct.--

21 (1) The department shall establish and adopt standards
22 for a code of professional conduct for administrative
23 proceeding interpreters for persons who are deaf.

24 (2) The department shall establish, administer or
25 recommend a process to review and respond to allegations of
26 violations of the code of professional conduct for
27 administrative proceeding interpreters for persons who are
28 deaf, including, but not limited to, decertification and
29 other disciplinary measures.

30 (f) Certification by courts.--Any interpreter certified by

1 the Administrative Office of Pennsylvania Courts pursuant to 42
2 Pa.C.S. Ch. 44 shall be deemed certified pursuant to this
3 chapter.

4 § 583. Appointment of interpreter.

5 (a) Appointment of certified interpreter.--Upon request, an
6 administrative law judge shall appoint a certified interpreter
7 unless the certified interpreter is unavailable as provided in
8 subsection (b).

9 (b) Appointment of otherwise qualified interpreter when
10 certified interpreter is unavailable.--

11 (1) An otherwise qualified interpreter shall be
12 appointed by an administrative law judge if a good faith
13 effort was made to obtain a certified interpreter and a
14 certified interpreter was not reasonably available, as
15 determined by the administrative law judge.

16 (2) Prior to the appointment of an otherwise qualified
17 interpreter, the administrative law judge shall state on the
18 record that to the best of the knowledge of the
19 administrative law judge, the otherwise qualified
20 interpreter:

21 (i) is readily able to interpret;

22 (ii) is certified by the National Association for
23 the Deaf, the Registry of Interpreters for the Deaf or
24 similar registry, to the best of the knowledge of the
25 administrative law judge; and

26 (iii) has read, understands and agrees to abide by
27 the code of professional conduct for administrative
28 proceeding interpreters for persons who are deaf, as
29 established by the department.

30 (c) Additional interpreters.--After consideration of the

1 length of the administrative proceeding, the special needs of
2 the person who is deaf, and the number of persons involved who
3 are deaf, the administrative law judge may appoint, as provided
4 in subsections (a) and (b), an additional interpreter or provide
5 for additional interpretation in a manner deemed appropriate by
6 the administrative law judge.

7 § 584. Replacement of interpreter.

8 An administrative law judge shall dismiss the interpreter and
9 obtain the services of another interpreter in accordance with
10 this subchapter if the interpreter:

11 (1) Fails to follow the standards prescribed by law or
12 by the code of professional conduct for administrative
13 proceeding interpreters for persons who are deaf.

14 (2) Is unable to effectively communicate with the
15 administrative law judge or person who is deaf, including
16 where the interpreter self-reports such inability.

17 § 585. Oath.

18 Before the commencement of interpreter duties, an interpreter
19 appointed under this subchapter shall take an oath or make an
20 affirmation on the record that the interpreter will make a true
21 interpretation to the person who is deaf in the manner that the
22 person who is deaf understands and that the interpreter will
23 repeat the statements of the person who is deaf to the court in
24 the spoken English language to the best of the interpreter's
25 skill and judgment and in accordance with the code of
26 professional conduct for administrative proceeding interpreters
27 for persons who are deaf.

28 § 586. Confidential communications in presence of interpreter.

29 An interpreter appointed under this subchapter may not be
30 compelled to testify, in any judicial proceeding or

1 administrative proceeding, to statements made by the person who
2 is deaf and interpreted by the interpreter when the person who
3 is deaf is engaged in a confidential communication as provided
4 by any statute or general rule, including, but not limited to:

5 (1) 42 Pa.C.S. § 5916 (relating to confidential
6 communications to attorney).

7 (2) 42 Pa.C.S. § 5928 (relating to confidential
8 communications to attorney).

9 (3) 42 Pa.C.S. § 5942 (relating to confidential
10 communications to news reporters).

11 (4) 42 Pa.C.S. § 5943 (relating to confidential
12 communications to clergymen).

13 (5) 42 Pa.C.S. § 5944 (relating to confidential
14 communications to psychiatrists or licensed psychologists).

15 (6) 42 Pa.C.S. § 5945 (relating to confidential
16 communications to school personnel).

17 (7) 42 Pa.C.S. § 5945.1 (relating to confidential
18 communications with sexual assault counselors).

19 (8) 42 Pa.C.S. § 5945.2 (relating to confidential
20 communications to crime stopper or similar anticrime
21 program).

22 § 587. Cost of providing interpreter.

23 An interpreter appointed in accordance with this subchapter
24 is entitled to a reasonable fee for interpreter services and
25 shall be reimbursed for actual and reasonable expenses by the
26 agency conducting the administrative proceeding.

27 § 588. Funding.

28 Except as provided in section 587 (relating to cost of
29 providing interpreter), the General Assembly shall appropriate
30 to the department such sums as may be necessary to establish a

1 program to facilitate the use of interpreters and otherwise
2 fulfill the provisions of this subchapter. Implementation of
3 this section is contingent upon the availability of appropriated
4 funds to carry out the purposes of this section.

5 Section 4. Title 42 is amended by adding a chapter to read:

6 CHAPTER 44

7 COURT INTERPRETERS

8 Subch.

9 A. General Provisions

10 B. Court Interpreters for Persons With Limited English
11 Proficiency

12 C. Court Interpreters for Persons Who are Deaf

13 SUBCHAPTER A

14 GENERAL PROVISIONS

15 Sec.

16 4401. Legislative findings and declaration.

17 4402. Definitions.

18 § 4401. Legislative findings and declaration.

19 It is hereby declared to be the policy of this Commonwealth
20 to secure the rights, constitutional and otherwise, of persons
21 who because of a non-English speaking cultural background or who
22 because of an impairment of hearing or speech are unable to
23 understand or communicate adequately in the English language
24 when they appear in court or are involved in judicial
25 proceedings. It is the intent of this chapter to provide for the
26 certification, appointment and use of interpreters to secure the
27 rights of persons with limited English proficiency and persons
28 who are deaf or hearing impaired in all judicial proceedings.

29 § 4402. Definitions.

30 The following words and phrases when used in this chapter

1 shall have the meanings given to them in this section unless the
2 context clearly indicates otherwise:

3 "Administrative proceeding." Any proceeding other than a
4 judicial proceeding, the outcome of which is required to be
5 based on a record or documentation prescribed by law or in which
6 law or regulation is particularized in application to
7 individuals. The term includes an appeal as defined in 2 Pa.C.S.
8 § 101 (relating to definitions).

9 "Certified interpreter." A person who:

10 (1) is readily able to interpret; and

11 (2) is certified by the Court Administrator in
12 accordance with either Subchapter B (relating to court
13 interpreters for persons with limited English proficiency) or
14 Subchapter C (relating to court interpreters for persons who
15 are deaf).

16 "Court Administrator." The Court Administrator of
17 Pennsylvania.

18 "Deaf." An impairment of hearing or speech which creates an
19 inability to understand or communicate the spoken English
20 language.

21 "Direct victim." A direct victim as defined in section 103
22 of the act of November 24, 1998 (P.L.882, No.111), known as the
23 Crime Victims Act.

24 "Immediate family member." A spouse, parent or child.

25 "Interpret." Either one of the following:

26 (1) For purposes of Subchapter B (relating to court
27 interpreters for persons with limited English proficiency),
28 to convey spoken and written English into the language of the
29 person with limited English proficiency and to convey oral
30 and written statements by the person with limited English

1 proficiency into SPOKEN English.

2 (2) For purposes of Subchapter C (relating to court
3 interpreters for persons who are deaf), to convey spoken
4 English in a manner understood by the person who is deaf
5 through, but not limited to, American Sign Language and
6 transliteration or the use of Computer-Aided Real-Time
7 Captioning (CART) or similar procedure, and to convey the
8 communications made by the person who is deaf into spoken
9 English.

10 "Interpreter." Includes both a certified interpreter and an
11 otherwise qualified interpreter.

12 "Judicial proceeding." An action, appeal or proceeding in
13 any court of this Commonwealth.

14 "Limited ability to speak or understand English." The
15 ability to speak exclusively or primarily a language other than
16 English and the inability to sufficiently speak or understand
17 English.

18 "Otherwise qualified interpreter." A person who:

19 (1) For purposes of Subchapter B (relating to court
20 interpreters for persons with limited English proficiency):

21 (i) is readily able to interpret; and

22 (ii) has read, understands and agrees to abide by
23 the code of professional conduct for court interpreters
24 for persons with limited English proficiency as
25 established by the Court Administrator in accordance with
26 Subchapter B.

27 (2) For purposes of Subchapter C (relating to court
28 interpreters for persons who are deaf):

29 (i) is readily able to interpret;

30 (ii) is certified by the National Association of the

Deaf, the Registry of Interpreters for the Deaf or
similar registry; and

(iii) has read, understands and agrees to abide by
the code of professional conduct for court interpreters
for persons who are deaf as established by the Court
Administrator in accordance with Subchapter C.

"Person who is deaf." A principal party in interest or a
witness who is deaf.

"Person with limited English proficiency." A principal party
in interest or a witness, who has limited ability to speak or
understand English.

"Presiding judicial officer." Includes a judicial officer as
defined in section 102 (relating to definitions).

"Principal party in interest." A person involved in a
judicial proceeding who is a named party, defendant or direct
victim in a criminal proceeding or proceeding, pursuant to 42
~~Pa.C.S. Ch.~~ CHAPTER 63 (relating to juvenile matters), will be
bound by the decision or action or is foreclosed from pursuing
that person's rights by the decision or action which may be
taken in the judicial proceeding.

"Transliteration." To convey spoken or written English in an
English-based sign system and the process of conveying an
English-based sign system in spoken or written English.

"Witness." A person who testifies in a judicial proceeding.

SUBCHAPTER B

COURT INTERPRETERS FOR PERSONS WITH LIMITED ENGLISH PROFICIENCY
Sec.

4411. Duties of Court Administrator.

4412. Appointment of interpreter.

4413. Replacement of interpreter.

1 4414. Oath.

2 4415. Confidential communications in presence of interpreter.

3 4416. Cost of providing interpreter.

4 4417. Funding.

5 § 4411. Duties of Court Administrator.

6 (a) Interpreter program.--The Court Administrator may
7 establish a program to appoint and use certified interpreters in
8 judicial proceedings. The program established by the Court
9 Administrator to certify interpreters may include:

10 (1) establishing and administering a comprehensive
11 testing and certification program for interpreters;

12 (2) establishing and adopting standards of proficiency,
13 written and oral, in English and the language to be
14 interpreted;

15 (3) conducting periodic examinations to ensure the
16 availability of certified interpreters;

17 (4) prescribing, determining and certifying the
18 qualifications of persons who may serve as certified
19 interpreters for persons with limited English proficiency;

20 (5) charging reasonable fees as deemed necessary for
21 testing and certification;

22 (6) reciprocity of certification for interpreters from
23 other jurisdictions provided that in the judgment of the
24 Court Administrator, the criteria for certification in the
25 foreign jurisdiction is at least as stringent as that
26 established by the Court Administrator;

27 (7) providing for the audio recording of testimony that
28 is the subject of interpretation; and

29 (8) providing a continuing education requirement for
30 interpreters.

1 (b) List of certified interpreters.--The Court Administrator
2 shall compile, maintain and disseminate a current list of
3 interpreters certified by the Court Administrator for the courts
4 through any means deemed appropriate by the Court Administrator,
5 including, but not limited to, a written directory, which shall
6 be maintained on file with the office of the clerk of courts in
7 each judicial district, and through publication on the official
8 World Wide Web site of the Administrative Office.

9 (c) Guidelines for court selection of otherwise qualified
10 interpreters.--The Court Administrator shall provide guidelines
11 to the courts for the selection and use of otherwise qualified
12 interpreters in order to ensure that the highest standards of
13 accuracy are maintained in all judicial proceedings subject to
14 the provisions of this subchapter.

15 (d) Fee schedule.--The Court Administrator shall prescribe,
16 subject to periodic review, a schedule of reasonable fees for
17 services rendered by certified interpreters and otherwise
18 qualified interpreters used in judicial proceedings.

19 (e) Standards of professional conduct.--

20 (1) The Court Administrator shall establish and adopt
21 standards for a code of professional conduct for court
22 interpreters for persons with limited English proficiency.

23 (2) The Court Administrator shall establish, administer
24 or recommend a process to review and respond to allegations
25 of violations of the code of professional conduct for court
26 interpreters for persons with limited English proficiency,
27 including, but not limited to, decertification and other
28 disciplinary measures.

29 § 4412. Appointment of interpreter.

30 (a) Appointment of certified interpreter.--Upon request or

1 sua sponte, if the presiding judicial officer determines that a
2 principal party in interest OR WITNESS has a limited ability to <—
3 speak or understand English, then a certified interpreter shall
4 be appointed, unless the certified interpreter is unavailable as
5 provided in subsection (b).

6 (b) Appointment of otherwise qualified interpreter.--

7 (1) An otherwise qualified interpreter shall be
8 appointed by the presiding judicial officer if a good faith
9 effort was made to obtain a certified interpreter and a
10 certified interpreter was not reasonably available, as
11 determined by the presiding judicial officer.

12 (2) Prior to the appointment of the otherwise qualified
13 interpreter, the presiding judicial officer, pursuant to
14 general rule, shall state on the record that a certified
15 interpreter is not available and that the otherwise qualified
16 interpreter:

17 (i) is readily able to interpret; and

18 (ii) has read, understands and agrees to abide by
19 the code of professional conduct for court interpreters
20 for persons with limited English proficiency, as
21 established by the Court Administrator.

22 (c) Additional interpreter.--After consideration of the
23 length of the judicial proceeding and the number of persons with
24 limited English proficiency involved, the presiding judicial
25 officer may appoint, as provided in subsections (a) and (b), an
26 additional interpreter or provide for additional interpretation
27 in a manner deemed appropriate by the presiding judicial
28 officer.

29 (d) Immediate family.--The presiding judicial officer may
30 appoint, as provided in subsections (a) and (b), an interpreter

1 or provide for additional interpretation, as provided in
2 subsection (c), for an immediate family member of a principal
3 party in interest.

4 § 4413. Replacement of interpreter.

5 Pursuant to general rule, the presiding judicial officer
6 shall dismiss the interpreter and obtain the services of another
7 interpreter in accordance with this subchapter, if the
8 interpreter:

9 (1) Fails to follow the standards prescribed by law or
10 by the code of professional conduct for court interpreters
11 for persons with limited English proficiency.

12 (2) Is unable to effectively communicate with the
13 presiding judicial officer or the person with limited English
14 proficiency, including where the interpreter self-reports
15 such inability.

16 § 4414. Oath.

17 Before commencement of interpreter duties, an interpreter
18 appointed under this subchapter shall take an oath or make an
19 affirmation on the record that the interpreter will make a true
20 interpretation to the person with limited English proficiency in
21 the language which the person with limited English proficiency
22 understands and that the interpreter will repeat the statements
23 of the person with limited English proficiency to the court in
24 English to the best of the interpreter's skill and judgment and
25 in accordance with the code of professional conduct for court
26 interpreters for persons with limited English proficiency.

27 § 4415. Confidential communications in presence of interpreter.

28 An interpreter appointed under this subchapter shall not be
29 compelled to testify in any judicial proceeding or
30 administrative proceeding to any statements made by the person

1 with limited English proficiency and interpreted by the
2 interpreter when the person with limited English proficiency is
3 engaged in a confidential communication as provided by any
4 statute or general rule, including, but not limited to:

5 (1) Section 5916 (relating to confidential
6 communications to attorney).

7 (2) Section 5928 (relating to confidential
8 communications to attorney).

9 (3) Section 5942 (relating to confidential
10 communications to news reporters).

11 (4) Section 5943 (relating to confidential
12 communications to clergymen).

13 (5) Section 5944 (relating to confidential
14 communications to psychiatrists or licensed psychologists).

15 (6) Section 5945 (relating to confidential
16 communications to school personnel).

17 (7) Section 5945.1 (relating to confidential
18 communications with sexual assault counselors).

19 (8) Section 5945.2 (relating to confidential
20 communications to crime stopper or similar anticrime
21 program).

22 § 4416. Cost of providing interpreter.

23 (a) General rule.--An interpreter appointed in accordance
24 with this subchapter is entitled to a reasonable fee for
25 interpreter services and shall be reimbursed for actual and
26 reasonable expenses as provided in this section.

27 (b) Principal party in interest.--If the person with limited
28 English proficiency is a defendant, party or a direct victim in
29 a judicial proceeding for a criminal matter or juvenile
30 proceeding pursuant to ~~42 Pa.C.S. Ch.~~ CHAPTER 63 (relating to

<—

1 juvenile matters), then the payment of the cost of providing the
2 interpreter shall be the responsibility of the county of the
3 court that has jurisdiction over the judicial proceeding for the
4 criminal matter.

5 (c) Witness.--If the person with limited English proficiency
6 is compelled to appear as a witness in a judicial proceeding for
7 a criminal matter, then the payment of the cost of providing the
8 interpreter shall be the responsibility of the county of the
9 court that has jurisdiction over the judicial proceeding for the
10 criminal matter.

11 (d) Payment determination.--Except as provided in
12 subsections (b) and (c), disposition of all or part of the cost
13 of providing interpreter services shall be in the discretion of
14 the presiding judicial officer unless the principal party in
15 interest is indigent. If the principal party in interest is
16 indigent, then the cost of providing interpreter services shall
17 be the responsibility of the county of the court that has
18 jurisdiction over the judicial proceeding. The presiding
19 judicial officer may order reimbursement to the county for its
20 responsibilities under this section.

21 § 4417. Funding.

22 Except as provided in section 4416 (relating to cost of
23 providing interpreter), the General Assembly shall appropriate
24 to the Court Administrator such sums as may be necessary to
25 establish a program to facilitate the use of interpreters and
26 otherwise fulfill the provisions of this subchapter.
27 Implementation of this section is contingent upon the
28 availability of appropriated funds to carry out the purposes of
29 this section.

30 SUBCHAPTER C

COURT INTERPRETERS FOR PERSONS WHO ARE DEAF

Sec.

4431. Duties of Court Administrator.

4432. Appointment of interpreter.

4433. Replacement of interpreter.

4434. Interrogation.

4435. Oath.

4436. Confidential communications in presence of interpreter.

4437. Cost of providing interpreter.

4438. Funding.

§ 4431. Duties of Court Administrator.

(a) Interpreter program.--The Court Administrator may establish a program to appoint and use certified interpreters in judicial proceedings. To certify interpreters, the Court Administrator shall either:

(1) establish a program, which shall include:

(i) establishing and administering a comprehensive testing and certification program for interpreters;

(ii) establishing and adopting standards of proficiency, including, but not limited to, certification by the Registry of Interpreters for the Deaf or similar registry;

(iii) conducting periodic examinations to ensure the availability of certified interpreters;

(iv) prescribing, determining and certifying the qualifications of persons who may serve as certified interpreters; and

(v) charging reasonable fees as deemed necessary for testing and certification; or

(2) establish and support a certification program by any

means as deemed appropriate by the Court Administrator.

(b) List of certified interpreters.--The Court Administrator shall compile, maintain and disseminate a current list of interpreters certified by the Court Administrator for the courts through any means deemed appropriate by the Court Administrator, including, but not limited to, a written directory, which shall be maintained on file with the office of the clerk of courts in each judicial district, and through publication on the official World Wide Web site of the Administrative Office.

(c) Guidelines for court selection of otherwise qualified interpreters.--The Court Administrator shall provide guidelines to the courts for the selection and use of otherwise qualified interpreters in order to ensure that the highest standards of accuracy are maintained in all judicial proceedings subject to the provisions of this subchapter.

(d) Fee schedule.--The Court Administrator shall prescribe, subject to periodic review, a schedule of reasonable fees for services rendered by certified interpreters and otherwise qualified interpreters used in judicial proceedings.

(e) Standards of professional conduct.--

(1) The Court Administrator shall establish and adopt standards for a code of professional conduct for court interpreters for persons who are deaf.

(2) The Court Administrator shall establish, administer or recommend a process to review and respond to allegations of violations of the code of professional conduct for court interpreters of persons who are deaf, including, but not limited to, decertification and other disciplinary measures.

§ 4432. Appointment of interpreter.

(a) Appointment of certified interpreter.--Upon request or

1 sua sponte, if the presiding judicial officer determines that a
2 principal party in interest OR WITNESS is deaf, then a certified <—
3 interpreter shall be appointed, unless the certified interpreter
4 is unavailable as provided in subsection (b).

5 (b) Appointment of otherwise qualified interpreter when
6 certified interpreter is unavailable.--

7 (1) An otherwise qualified interpreter shall be
8 appointed by the presiding judicial officer if a good faith
9 effort was made to obtain a certified interpreter and a
10 certified interpreter was not reasonably available, as
11 determined by the presiding judicial officer.

12 (2) Prior to the appointment of the otherwise qualified
13 interpreter, the presiding judicial officer, pursuant to
14 general rule, shall state on the record that a certified
15 interpreter is not available and that the otherwise qualified
16 interpreter:

17 (i) is readily able to interpret;

18 (ii) is certified by the National Association of the
19 Deaf, the Registry of Interpreters for the Deaf or
20 similar registry to the best of the knowledge of the
21 presiding judicial officer; and

22 (iii) has read, understands and agrees to abide by
23 the code of professional conduct for court interpreters
24 for persons who are deaf, as established by the Court
25 Administrator.

26 (c) Additional interpreter.--After consideration of the
27 length of the judicial proceeding, the special needs of the
28 person who is deaf, and the number of persons involved who are
29 deaf, the presiding judicial officer may appoint, as provided in
30 subsections (a) and (b), an additional interpreter or provide

1 for additional interpretation in a manner deemed appropriate by
2 the presiding judicial officer.

3 (d) Immediate family.--The presiding judicial officer may
4 appoint, as provided in subsections (a) and (b), an interpreter
5 or provide for additional interpretation, as provided in
6 subsection (c), for an immediate family member of a principal
7 party in interest.

8 § 4433. Replacement of interpreter.

9 Pursuant to general rule, the presiding judicial officer
10 shall dismiss the interpreter and obtain the services of another
11 interpreter in accordance with this subchapter, if the
12 interpreter:

13 (1) Fails to follow the standards prescribed by law or
14 by the code of professional conduct for court interpreters
15 for persons who are deaf.

16 (2) Is unable to effectively communicate with the
17 presiding judicial officer or the person who is deaf,
18 including where the interpreter self-reports such inability.

19 § 4434. Interrogation.

20 Upon the arrest of any person who is deaf and prior to
21 interrogation the arresting officer shall make available to the
22 person who is deaf an interpreter who shall be present with the
23 person who is deaf throughout the interrogation.

24 § 4435. Oath.

25 Before commencement of interpreter duties, an interpreter
26 appointed under this subchapter shall take an oath or make an
27 affirmation on the record that the interpreter will make a true
28 interpretation to the person who is deaf in a manner that the
29 person who is deaf understands and that the interpreter will
30 repeat the statements of the person who is deaf to the court in

1 English to the best of the interpreter's skill and judgment and
2 in accordance with the code of professional conduct for court
3 interpreters for persons who are deaf.

4 § 4436. Confidential communications in presence of interpreter.

5 An interpreter appointed under this subchapter shall not be
6 compelled to testify in any judicial proceeding or
7 administrative proceeding, to any statements made by the person
8 who is deaf and interpreted by the interpreter when the person
9 who is deaf is engaged in a confidential communication as
10 provided by any statute or general rule, including, but not
11 limited to:

12 (1) Section 5916 (relating to confidential
13 communications to attorney).

14 (2) Section 5928 (relating to confidential
15 communications to attorney).

16 (3) Section 5942 (relating to confidential
17 communications to news reporters).

18 (4) Section 5943 (relating to confidential
19 communications to clergymen).

20 (5) Section 5944 (relating to confidential
21 communications to psychiatrists or licensed psychologists).

22 (6) Section 5945 (relating to confidential communications
23 to school personnel).

24 (7) Section 5945.1 (relating to confidential
25 communications with sexual assault counselors).

26 (8) Section 5945.2 (relating to confidential
27 communications to crime stopper or similar anticrime
28 program).

29 § 4437. Cost of providing interpreter.

30 (a) General rule.--Except as provided by general rule and in

1 subsection (b), an interpreter appointed in accordance with this
2 subchapter is entitled to a reasonable fee for the services of
3 the interpreter and shall be reimbursed for actual and
4 reasonable expenses by the county that has jurisdiction over the
5 judicial proceeding.

6 (b) Payment determination of certain costs.--Disposition of
7 all or part of the cost of providing an interpreter appointed in
8 accordance with section 4433(d) (relating to appointment of
9 interpreter) shall be in the discretion of the court that has
10 jurisdiction over the judicial proceeding. In no event shall the
11 cost of providing interpreter services be the responsibility of
12 the person who is deaf. If the principal party in interest is
13 indigent, then the cost of providing interpreter services shall
14 be the responsibility of the county of the court that has
15 jurisdiction over the judicial proceeding. The presiding
16 judicial officer may order reimbursement to the county for its
17 responsibilities under this subchapter.

18 § 4438. Funding.

19 Except as provided in section 4437 (relating to cost of
20 providing interpreter), the General Assembly shall appropriate
21 to the Court Administrator such sums as may be necessary to
22 establish a program to facilitate the use of interpreters and
23 otherwise fulfill the provisions of this subchapter.
24 Implementation of this section is contingent upon the
25 availability of appropriated funds to carry out the purposes of
26 this section.

27 ~~Section 5. Sections 7103 and 8701 of Title 42 are repealed.~~ <—

28 SECTION 5. SECTIONS 7103 AND 8701 OF TITLE 42 ARE AMENDED TO <—

29 READ:

30 [§ 7103. INTERPRETERS FOR THE DEAF.

1 (A) GENERAL RULE.--IN ANY CIVIL PROCEEDING IN WHICH A PARTY
2 IS DEAF, THE COURT MAY APPOINT AN INTERPRETER TO ASSIST THE
3 PARTY THROUGHOUT THE PROCEEDING. DISPOSITION OF COSTS SHALL BE
4 IN DISCRETION OF THE COURT.

5 (B) OATH.--THE INTERPRETER SHALL SWEAR OR AFFIRM THAT HE
6 WILL MAKE A TRUE INTERPRETATION TO THE DEAF PERSON AND THAT HE
7 WILL REPEAT THE STATEMENTS OF THE DEAF PERSON TO THE BEST OF HIS
8 ABILITY.

9 (C) DEFINITIONS.--AS USED IN THIS SECTION THE FOLLOWING
10 WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS
11 SUBSECTION:

12 "DEAF." PERSONS WHO ARE DEAF OR WHOSE HEARING IS SO IMPAIRED
13 THAT THEY ARE UNABLE TO UNDERSTAND OR COMMUNICATE THE SPOKEN
14 ENGLISH LANGUAGE.

15 "INTERPRETER." A PERSON QUALIFIED AND TRAINED TO TRANSLATE
16 FOR OR COMMUNICATE WITH DEAF PERSONS. ANY PERSON CERTIFIED BY
17 THE NATIONAL OR LOCAL REGISTRY OF INTERPRETERS FOR THE DEAF OR
18 SIMILAR REGISTRY SHALL BE CONSIDERED QUALIFIED FOR THE PURPOSES
19 OF THIS SECTION.]

20 [§ 8701. INTERPRETERS FOR THE DEAF.

21 (A) INTERROGATION.--UPON THE ARREST OF ANY DEAF PERSON, AND
22 PRIOR TO INTERROGATION, THE ARRESTING OFFICER SHALL MAKE
23 AVAILABLE TO SUCH PERSON AN INTERPRETER WHO SHALL BE PRESENT
24 WITH SUCH PERSON THROUGHOUT THE INTERROGATION.

25 (B) CRIMINAL PROCEEDINGS.--IN ANY CRIMINAL PROCEEDING IN
26 WHICH A DEFENDANT IS DEAF THE COURT SHALL APPOINT AN INTERPRETER
27 TO ASSIST THE DEFENDANT THROUGHOUT THE PROCEEDING.

28 (C) OATH.--THE INTERPRETER SHALL SWEAR OR AFFIRM THAT HE
29 WILL MAKE A TRUE INTERPRETATION TO THE DEAF PERSON AND THAT HE
30 WILL REPEAT THE STATEMENTS OF THE DEAF PERSON TO THE BEST OF HIS

1 ABILITY.

2 (D) DEFINITIONS.--AS USED IN THIS SECTION THE FOLLOWING
3 WORDS SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SUBSECTION:

4 "DEAF." PERSONS WHO ARE DEAF OR WHOSE HEARING IS SO IMPAIRED
5 THAT THEY ARE UNABLE TO UNDERSTAND OR COMMUNICATE THE SPOKEN
6 ENGLISH LANGUAGE.

7 "INTERPRETER." A PERSON QUALIFIED AND TRAINED TO TRANSLATE
8 FOR OR COMMUNICATE WITH DEAF PERSONS. ANY PERSON CERTIFIED BY
9 THE NATIONAL OR LOCAL REGISTRY OF INTERPRETERS FOR THE DEAF OR
10 SIMILAR REGISTRY SHALL BE CONSIDERED QUALIFIED FOR THE PURPOSES
11 OF THIS SECTION.]

12 Section 6. This act shall take effect in 60 days.