

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2181

Session of
2003

INTRODUCED BY CRUZ, YOUNGBLOOD, BUNT, FABRIZIO, BUXTON, GOOD,
MANN, GEORGE, BISHOP, BEBKO-JONES, CORRIGAN, JOSEPHS, CIVERA,
MYERS, COSTA, STETLER, SCAVELLO, WASHINGTON, HARHAI AND
THOMAS, NOVEMBER 24, 2003

AS AMENDED, COMMITTEE ON JUDICIARY, HOUSE OF REPRESENTATIVES,
MAY 12, 2004

AN ACT

1 ~~Amending Title 42 (Judiciary and Judicial Procedure) of the~~ <—
2 ~~Pennsylvania Consolidated Statutes, providing for court~~
3 ~~interpreters.~~

4 AMENDING TITLES 2 (ADMINISTRATIVE LAW AND PROCEDURE) AND 42 <—
5 (JUDICIARY AND JUDICIAL PROCEDURE) OF THE PENNSYLVANIA
6 CONSOLIDATED STATUTES, PROVIDING FOR COURT AND ADMINISTRATIVE
7 PROCEEDING INTERPRETERS; AND REPEALING RELATED PROVISIONS.

8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby enacts as follows:

10 ~~Section 1. Title 42 of the Pennsylvania Consolidated~~ <—
11 ~~Statutes is amended by adding a chapter to read:~~

12 ~~CHAPTER 44~~

13 ~~COURT INTERPRETERS~~

14 ~~Sec.~~

15 ~~4401. Legislative findings and declaration.~~

16 ~~4402. Definitions.~~

17 ~~4403. Interpreters in courts.~~

18 ~~4404. Maintenance of list of interpreters.~~

19 ~~4405. Utilization and appointment of interpreters.~~

1 ~~4406.— Special interpretation services.~~

2 ~~4407.— Funding.~~

3 ~~4408.— Sign language interpreters.~~

4 ~~§ 4401.— Legislative findings and declaration.~~

5 ~~It is hereby declared to be the policy of this Commonwealth~~
6 ~~to secure the rights, constitutional and otherwise, of persons,~~
7 ~~who because of a non English speaking cultural background, are~~
8 ~~unable to understand or communicate adequately in the English~~
9 ~~language when they appear in courts or are involved in judicial~~
10 ~~proceedings. It is the intent of this chapter to provide for the~~
11 ~~certification, appointment and use of interpreters to secure the~~
12 ~~Federal and State constitutional rights of non English speaking~~
13 ~~persons in all judicial proceedings.~~

14 ~~§ 4402.— Definitions.~~

15 ~~The following words and phrases when used in this chapter~~
16 ~~shall have the meanings given to them in this section unless the~~
17 ~~context clearly indicates otherwise:~~

18 ~~"Certified interpreter."— A person who:~~

19 ~~(1)— Is readily able to interpret simultaneously and~~
20 ~~consecutively and to sight translate from English to the~~
21 ~~language of the non English speaking person or from the~~
22 ~~language of that person into English.~~

23 ~~(2)— Is certified according to procedures approved by the~~
24 ~~Supreme Court.~~

25 ~~"Clerk."— The prothonotary, clerk of courts or other similar~~
26 ~~officer of a court of common pleas.~~

27 ~~"Commonwealth attorney."— A district attorney or the district~~
28 ~~attorney's designee or the Attorney General or the Attorney~~
29 ~~General's designee.~~

30 ~~"Court Administrator."— The Court Administrator of~~

1 ~~Pennsylvania as defined in section 102 (relating to~~
2 ~~definitions).~~

3 ~~"Interpreter." The term includes a certified interpreter and~~
4 ~~otherwise qualified interpreter.~~

5 ~~"Judicial proceedings instituted by the Commonwealth."~~
6 ~~Proceedings, whether criminal or civil, including pretrial and~~
7 ~~grand jury proceedings, as well as proceedings upon a petition~~
8 ~~for a writ of habeas corpus initiated in the name of the~~
9 ~~Commonwealth by a relator, conducted in or pursuant to the~~
10 ~~lawful authority and jurisdiction of a Pennsylvania court.~~

11 ~~"Non-English speaking person." A principal party in interest~~
12 ~~or witness participating in a legal proceeding who has limited~~
13 ~~ability to speak or understand the English language.~~

14 ~~"Otherwise qualified interpreter." A person who is readily~~
15 ~~able to interpret simultaneously and consecutively and to sight~~
16 ~~translate from English to the language of the non-English~~
17 ~~speaking person or from the language of that person into~~
18 ~~English.~~

19 ~~"Pennsylvania court." A court that is created pursuant to~~
20 ~~Article V of the Constitution of Pennsylvania.~~

21 ~~"Presiding judicial officer." A judge or justice authorized~~
22 ~~to serve as a judicial officer in a Pennsylvania court.~~

23 ~~"Principal party in interest." A person involved in a legal~~
24 ~~proceeding who is a named party, will be bound by the decision~~
25 ~~or action or is foreclosed from pursuing that person's rights by~~
26 ~~the decision or action which may be taken in the judicial~~
27 ~~proceeding.~~

28 ~~"Witness." A person who testifies in a judicial proceeding.~~
29 ~~§ 4403. Interpreters in courts.~~

30 ~~(a) Establishment of program.~~

1 ~~(1) The Court Administrator shall establish a program to~~
2 ~~facilitate the use of interpreters in judicial proceedings~~
3 ~~instituted by the Commonwealth and upon request of any~~
4 ~~litigant in judicial proceedings instituted in a Pennsylvania~~
5 ~~court.~~

6 ~~(2) Only in a case in which no certified interpreter is~~
7 ~~reasonably available, including a case in which certified~~
8 ~~interpreters are not provided under this section in a~~
9 ~~particular language, may the services of otherwise qualified~~
10 ~~interpreters be used.~~

11 ~~(b) Duties of Court Administrator.~~

12 ~~(1) The Court Administrator shall prescribe, determine~~
13 ~~and certify the qualifications of persons who may serve as~~
14 ~~certified interpreters when the Court Administrator considers~~
15 ~~certified interpreters to be merited for the hearing~~
16 ~~impaired, whether or not also speech impaired, and persons~~
17 ~~who speak only or primarily a language other than the English~~
18 ~~language in judicial proceedings.~~

19 ~~(2) The Court Administrator may designate certified~~
20 ~~interpreters for any language if the Court Administrator~~
21 ~~determines that there is a need for certified interpreters in~~
22 ~~that language. Upon the request of the president judge for~~
23 ~~any judicial district for certified interpreters in a~~
24 ~~language, the Court Administrator shall designate certified~~
25 ~~interpreters in the language requested. Upon such a request~~
26 ~~and the approval of the Supreme Court, the Court~~
27 ~~Administrator shall designate certified interpreters for that~~
28 ~~judicial district in the language requested. The president~~
29 ~~judge of each judicial district shall identify and evaluate~~
30 ~~the needs of the courts within the judicial district.~~

1 ~~(3) The Court Administrator shall designate certified~~
2 ~~interpreters based on the results of criterion referenced~~
3 ~~performance examinations. The Court Administrator shall cause~~
4 ~~to be published rules or regulations, as determined by the~~
5 ~~Court Administrator, to carry out this paragraph after the~~
6 ~~date of the enactment of this chapter.~~

7 ~~(4) The Court Administrator shall provide guidelines to~~
8 ~~the courts for the selection of otherwise qualified~~
9 ~~interpreters in order to ensure that the highest standards of~~
10 ~~accuracy are maintained in all judicial proceedings subject~~
11 ~~to the provisions of this chapter.~~

12 ~~(5) The Court Administrator shall maintain a current~~
13 ~~master list of all certified interpreters and otherwise~~
14 ~~qualified interpreters and shall report periodically on the~~
15 ~~use and performance of both certified and otherwise qualified~~
16 ~~interpreters in judicial proceedings and on the languages for~~
17 ~~which interpreters have been certified.~~

18 ~~(6) The Court Administrator shall prescribe, subject to~~
19 ~~periodic review, a schedule of reasonable fees for services~~
20 ~~rendered by interpreters used in proceedings instituted by~~
21 ~~the Commonwealth and in doing so shall consider the~~
22 ~~prevailing rate of compensation for comparable service in~~
23 ~~other governmental entities.~~

24 ~~§ 4404. Maintenance of list of interpreters.~~

25 ~~(a) General rule. Each judicial district shall maintain on~~
26 ~~file in the office of the clerk of courts and each district~~
27 ~~attorney and the Attorney General shall maintain on file a list~~
28 ~~of all certified interpreters. The clerk shall make the list of~~
29 ~~certified interpreters for judicial proceedings available upon~~
30 ~~request. Additionally, the Court Administrator shall maintain~~

~~such a list, organized by county, on the World Wide Web site of the Administrative Office of the Pennsylvania Courts.~~

~~(b) Securing of interpreter services. The clerk or other court employee designated by the president judge of a judicial district shall secure the services of interpreters required for proceedings initiated by the Commonwealth, except that the Commonwealth attorney shall secure the services of such interpreters for governmental witnesses.~~

~~§ 4405. Utilization and appointment of interpreters.~~

~~(a) Decision to secure interpreter services. The presiding judicial officer, with the assistance of the Court Administrator, shall utilize the services of the most available certified interpreter or when no certified interpreter is reasonably available, as determined by the presiding judicial officer, the services of an otherwise qualified interpreter in judicial proceedings instituted by the Commonwealth if the presiding judicial officer determines on such officer's own motion or on the motion of a party that such party, including a defendant in a criminal case, or a witness who may present testimony in such judicial proceedings:~~

~~(1) speaks only or primarily a language other than the English language; or~~

~~(2) suffers from a hearing impairment, whether or not suffering also from a speech impairment, so as to inhibit that party's comprehension of the proceedings or communication with counsel or the presiding judicial officer or so as to inhibit that witness's comprehension of questions and the presentation of such testimony.~~

~~(b) Electronic sound recording. Upon the motion of any party, the presiding judicial officer shall determine whether to~~

~~require the electronic sound recording of a judicial proceeding in which an interpreter is used under this section. In making this determination, the presiding judicial officer may consider among other things:~~

~~(1) The qualifications of the interpreter and prior experience in interpretation of court proceedings.~~

~~(2) Whether the language to be interpreted is not one of the languages for which the Court Administrator has certified interpreters.~~

~~(3) The complexity or length of the proceeding. In a grand jury proceeding, upon the motion of the accused, the presiding judicial officer shall require the electronic sound recording of the portion of the proceeding in which an interpreter is used.~~

~~(c) Simultaneous form of interpretation.~~

~~(1) The interpretation provided by interpreters pursuant to this section shall be in the simultaneous mode for any party to a judicial proceeding instituted by the Commonwealth and in the consecutive mode for witnesses, except that the presiding judicial officer, sua sponte or on the motion of a party, may authorize a simultaneous or consecutive interpretation when such officer determines after a hearing on the record that such interpretation will aid in the efficient administration of justice.~~

~~(2) The presiding judicial officer on that officer's motion or on the motion of a party may order that special interpretation services as authorized in section 4406 (relating to special interpretation services) be provided if that officer determines that the provision of those services will aid in the efficient administration of justice.~~

1 ~~(d) Replacement of interpreter.~~

2 ~~(1) If an interpreter is unable to communicate~~
3 ~~effectively with a presiding judicial officer, the~~
4 ~~Commonwealth attorney, a principal party in interest,~~
5 ~~including a defendant in a criminal case, or a witness, the~~
6 ~~presiding judicial officer shall dismiss the interpreter and~~
7 ~~obtain the services of another interpreter in accordance with~~
8 ~~this section.~~

9 ~~(2) In a judicial proceeding instituted by the~~
10 ~~Commonwealth, if the presiding judicial officer does not~~
11 ~~appoint an interpreter, an individual requiring the services~~
12 ~~of an interpreter may seek assistance of the clerk of court~~
13 ~~or the Court Administrator in obtaining the assistance of a~~
14 ~~certified interpreter.~~

15 ~~(c) Waiver. The requirement for use of an interpreter may~~
16 ~~be waived as follows:~~

17 ~~(1) A principal party in interest other than a witness~~
18 ~~who is entitled to interpretation under this chapter may~~
19 ~~waive the interpretation in whole or in part. Such a waiver~~
20 ~~shall be effective only if approved by the presiding judicial~~
21 ~~officer and made expressly by the principal party on the~~
22 ~~record after opportunity to consult with counsel and after~~
23 ~~the presiding judicial officer has explained to the principal~~
24 ~~party utilizing the services of the most available certified~~
25 ~~interpreter or when no certified interpreter is reasonably~~
26 ~~available, as determined by the presiding judicial officer,~~
27 ~~the services of an otherwise competent interpreter, the~~
28 ~~nature and effect of the waiver.~~

29 ~~(2) An individual who waives under paragraph (1) the~~
30 ~~right to a certified interpreter may utilize the services of~~

~~an otherwise qualified interpreter of that individual's
choice whose fees, expenses and costs shall be paid in the
manner provided for the payment of such fees, expenses and
costs of an interpreter as provided by the Court
Administrator.~~

~~§ 4406. Special interpretation services.~~

~~(a) General rule. The Court Administrator may establish a
program for the provision of special interpretation services in
criminal actions and in civil actions initiated by the
Commonwealth, including petitions for writs of habeas corpus
initiated in the name of the Commonwealth by relators, in a
court of this Commonwealth. The program shall provide a capacity
for simultaneous interpretation services in multidefendant
criminal actions and multidefendant civil actions.~~

~~(b) Reimbursement for services. Upon the request of a
person in an action for which special interpretation services
established pursuant to subsection (a) are not otherwise
provided, the Court Administrator with the approval of the
presiding judicial officer may make such services available to
the person requesting the services on a reimbursable basis at
rates established, but the Court Administrator may require the
prepayment of the estimated expenses of providing the services
by the person requesting them.~~

~~(c) Source of funding.~~

~~(1) Except as otherwise provided in this subsection, the
expenses incident to providing services under subsection (a)
shall be paid by the Court Administrator from sums
appropriated. A presiding judicial officer in that officer's
discretion may order that all or part of the expenses shall
be apportioned between or among the parties or shall be taxed~~

1 ~~as costs in a civil action, and any moneys collected as a~~
2 ~~result of such order may be used to reimburse the~~
3 ~~appropriations obligated and disbursed in payment for those~~
4 ~~services.~~

5 ~~(2) Appropriations available to the Court Administrator~~
6 ~~shall be expended to provide services in accordance with~~
7 ~~subsection (b), and moneys collected by the Court~~
8 ~~Administrator under subsection (b) may be used to reimburse~~
9 ~~the appropriations charged for those services. A presiding~~
10 ~~judicial officer in that officer's discretion may order that~~
11 ~~all or part of the expenses shall be apportioned between or~~
12 ~~among the parties or shall be taxed as costs in the action.~~

13 ~~§ 4407. Funding.~~

14 ~~(a) General rule. The General Assembly shall appropriate to~~
15 ~~the Court Administrator such sums as may be necessary to~~
16 ~~establish a program to facilitate the use of interpreters and~~
17 ~~otherwise fulfill the provisions of this chapter except as~~
18 ~~provided in subsection (c). Implementation of the provisions of~~
19 ~~this section is contingent upon the availability of appropriated~~
20 ~~funds to carry out the purposes of this section.~~

21 ~~(b) Expenses of government witnesses. Such salaries, fees,~~
22 ~~expenses and costs that are incurred with respect to government~~
23 ~~witnesses, including for grand jury proceedings, shall, unless~~
24 ~~direction is made under subsection (c), be paid by the~~
25 ~~Commonwealth attorney from sums appropriated to the appropriate~~
26 ~~office.~~

27 ~~(c) Interpretation services upon request. Upon the request~~
28 ~~of a person in an action for which interpretation services are~~
29 ~~not otherwise provided, the clerk of the court or other court~~
30 ~~employee designated by the president judge, upon the request of~~

1 ~~the presiding judicial officer, shall, where possible, make~~
2 ~~those services available to that person on a cost reimbursable~~
3 ~~basis, but the judicial officer may also require the prepayment~~
4 ~~of the estimated expenses of providing such services.~~

5 ~~(d) Examination fees.—~~

6 ~~(1) If the Court Administrator finds it necessary to~~
7 ~~develop and administer criterion referenced performance~~
8 ~~examinations for purposes of certification or other~~
9 ~~examinations for the selection of otherwise qualified~~
10 ~~interpreters, the Court Administrator may prescribe for each~~
11 ~~examination a uniform fee for applicants to take the~~
12 ~~examination.~~

13 ~~(2) In determining the rate of the fee for each~~
14 ~~examination, the Court Administrator shall consider the fees~~
15 ~~charged by other organizations for examinations that are~~
16 ~~similar in scope or nature. The Court Administrator may~~
17 ~~provide in any contract or agreement for the development or~~
18 ~~administration of examinations and the collection of fees~~
19 ~~that the contractor may retain all or a portion of the fees~~
20 ~~in payment for the services.~~

21 ~~(3) Any moneys collected under this subsection may be~~
22 ~~used to reimburse the appropriations expended for such~~
23 ~~services.~~

24 ~~(e) Approval of compensation and expenses.—The presiding~~
25 ~~judicial officer shall approve the compensation and expenses~~
26 ~~payable to interpreters pursuant to a schedule of fees~~
27 ~~prescribed by the Court Administrator.~~

28 ~~§ 4408. Sign language interpreters.~~

29 ~~(a) General rule.—Notwithstanding any other provision of~~
30 ~~this chapter, the presiding judicial officer may appoint a~~

~~certified interpreter or otherwise qualified interpreter for
sign language to provide services to a party, witness or other
participant in a judicial proceeding, whether or not the
proceeding is instituted by the Commonwealth, if the presiding
judicial officer determines, on that officer's own motion or on
the motion of a principal party in interest, that the individual
suffers from a hearing impairment.~~

~~(b) Approval of compensation and expenses. The presiding
judicial officer shall, subject to the availability of
appropriated funds, approve the compensation and expenses
payable to sign language interpreters appointed under this
section in accordance with a schedule of fees prescribed by the
Court Administrator.~~

~~Section 2. This act shall take effect in 60 days.~~

SECTION 1. SECTION 101 OF TITLE 2 OF THE PENNSYLVANIA
CONSOLIDATED STATUTES IS AMENDED TO READ:

§ 101. DEFINITIONS.

SUBJECT TO ADDITIONAL DEFINITIONS CONTAINED IN SUBSEQUENT
PROVISIONS OF THIS TITLE WHICH ARE APPLICABLE TO SPECIFIC
PROVISIONS OF THIS TITLE, THE FOLLOWING WORDS AND PHRASES WHEN
USED IN THIS TITLE SHALL HAVE, UNLESS THE CONTEXT CLEARLY
INDICATES OTHERWISE, THE MEANINGS GIVEN TO THEM IN THIS SECTION:

"ADJUDICATION." ANY FINAL ORDER, DECREE, DECISION,
DETERMINATION OR RULING BY AN AGENCY AFFECTING PERSONAL OR
PROPERTY RIGHTS, PRIVILEGES, IMMUNITIES, DUTIES, LIABILITIES OR
OBLIGATIONS OF ANY OR ALL OF THE PARTIES TO THE PROCEEDING IN
WHICH THE ADJUDICATION IS MADE. THE TERM DOES NOT INCLUDE ANY
ORDER BASED UPON A PROCEEDING BEFORE A COURT OR WHICH INVOLVES
THE SEIZURE OR FORFEITURE OF PROPERTY, PAROLES, PARDONS OR
RELEASES FROM MENTAL INSTITUTIONS.

1 "ADMINISTRATIVE LAW JUDGE." AN INDIVIDUAL APPOINTED BY AN
2 AGENCY TO PRESIDE AT AN ADMINISTRATIVE PROCEEDING.

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.

8 "AGENCY." A GOVERNMENT AGENCY.

9 "APPEAL." INCLUDES PROCEEDINGS ON PETITION FOR REVIEW.

10 "CERTIFIED INTERPRETER." A PERSON WHO:

11 (1) IS READILY ABLE TO INTERPRET; AND

12 (2) IS CERTIFIED BY THE DEPARTMENT OF LABOR AND INDUSTRY
13 IN ACCORDANCE WITH SUBCHAPTER C (RELATING TO ADMINISTRATIVE
14 PROCEEDING INTERPRETERS FOR NON-ENGLISH-SPEAKING PERSONS) OR
15 D (RELATING TO ADMINISTRATIVE PROCEEDING INTERPRETERS FOR
16 PERSONS WHO ARE DEAF) OF CHAPTER 5.

17 "COMMONWEALTH AGENCY." ANY EXECUTIVE AGENCY OR INDEPENDENT
18 AGENCY.

19 "COMMONWEALTH GOVERNMENT." THE GOVERNMENT OF THE
20 COMMONWEALTH, INCLUDING THE COURTS AND OTHER OFFICERS OR
21 AGENCIES OF THE UNIFIED JUDICIAL SYSTEM, THE GENERAL ASSEMBLY,
22 AND ITS OFFICERS AND AGENCIES, THE GOVERNOR, AND THE
23 DEPARTMENTS, BOARDS, COMMISSIONS, AUTHORITIES AND OFFICERS AND
24 AGENCIES OF THE COMMONWEALTH, BUT THE TERM DOES NOT INCLUDE ANY
25 POLITICAL SUBDIVISION, MUNICIPAL OR OTHER LOCAL AUTHORITY, OR
26 ANY OFFICER OR AGENCY OF ANY SUCH POLITICAL SUBDIVISION OR LOCAL
27 AUTHORITY.

28 "COURT ADMINISTRATOR OF PENNSYLVANIA." THE COURT
29 ADMINISTRATOR APPOINTED BY THE SUPREME COURT UNDER SECTION 10(B)
30 OF ARTICLE V OF THE CONSTITUTION OF PENNSYLVANIA AND 42 PA.C.S.

1 § 1901 (RELATING TO COURT ADMINISTRATOR OF PENNSYLVANIA).

2 "DEAF." AN IMPAIRMENT OF HEARING OR SPEECH WHICH CREATES AN
3 INABILITY TO UNDERSTAND OR COMMUNICATE THE SPOKEN ENGLISH
4 LANGUAGE.

5 "DEPARTMENT." THE DEPARTMENT OF LABOR AND INDUSTRY OF THE
6 COMMONWEALTH.

7 "EXECUTIVE AGENCY." THE GOVERNOR AND THE DEPARTMENTS,
8 BOARDS, COMMISSIONS, AUTHORITIES AND OTHER OFFICERS AND AGENCIES
9 OF THE COMMONWEALTH GOVERNMENT, BUT THE TERM DOES NOT INCLUDE
10 ANY COURT OR OTHER OFFICER OR AGENCY OF THE UNIFIED JUDICIAL
11 SYSTEM, THE GENERAL ASSEMBLY AND ITS OFFICERS AND AGENCIES, OR
12 ANY INDEPENDENT AGENCY.

13 "GENERAL RULE." AS DEFINED IN 42 PA.C.S. § 102 (RELATING TO
14 DEFINITIONS).

15 "GOVERNMENT AGENCY." ANY COMMONWEALTH AGENCY OR ANY
16 POLITICAL SUBDIVISION OR MUNICIPAL OR OTHER LOCAL AUTHORITY, OR
17 ANY OFFICER OR AGENCY OF ANY SUCH POLITICAL SUBDIVISION OR LOCAL
18 AUTHORITY.

19 "GOVERNMENT UNIT." THE GENERAL ASSEMBLY AND ITS OFFICERS AND
20 AGENCIES, ANY GOVERNMENT AGENCY OR ANY COURT OR OTHER OFFICER OR
21 AGENCY OF THE UNIFIED JUDICIAL SYSTEM.

22 "INDEPENDENT AGENCY." BOARDS, COMMISSIONS, AUTHORITIES AND
23 OTHER AGENCIES AND OFFICERS OF THE COMMONWEALTH GOVERNMENT WHICH
24 ARE NOT SUBJECT TO THE POLICY SUPERVISION AND CONTROL OF THE
25 GOVERNOR, BUT THE TERM DOES NOT INCLUDE ANY COURT OR OTHER
26 OFFICER OR AGENCY OF THE UNIFIED JUDICIAL SYSTEM OR THE GENERAL
27 ASSEMBLY AND ITS OFFICERS AND AGENCIES.

28 "INTERPRET." EITHER ONE OF THE FOLLOWING:

29 (1) FOR PURPOSES OF SUBCHAPTER C OF CHAPTER 5 (RELATING
30 TO ADMINISTRATIVE PROCEEDING INTERPRETERS FOR NON-ENGLISH-

1 SPEAKING PERSONS), TO CONVEY SPOKEN AND WRITTEN ENGLISH INTO
2 THE LANGUAGE OF THE NON-ENGLISH-SPEAKING PERSON AND TO CONVEY
3 ORAL AND WRITTEN STATEMENTS BY THE NON-ENGLISH-SPEAKING
4 PERSON INTO ENGLISH.

5 (2) FOR PURPOSES OF SUBCHAPTER D OF CHAPTER 5 (RELATING
6 TO ADMINISTRATIVE PROCEEDING INTERPRETERS FOR PERSONS WHO ARE
7 DEAF), TO CONVEY SPOKEN ENGLISH IN A MANNER UNDERSTOOD BY THE
8 PERSON WHO IS DEAF AND TO CONVEY STATEMENTS MADE BY THE
9 PERSON WHO IS DEAF INTO ENGLISH THROUGH, BUT NOT LIMITED TO,
10 AMERICAN SIGN LANGUAGE AND TRANSLITERATION.

11 "INTERPRETER." INCLUDES BOTH A CERTIFIED INTERPRETER AND AN
12 OTHERWISE QUALIFIED INTERPRETER.

13 "JUDICIAL PROCEEDING." AN "ACTION," "APPEAL" OR "PROCEEDING"
14 IN ANY "COURT" OF THIS COMMONWEALTH AS THOSE TERMS ARE DEFINED
15 IN 42 PA.C.S. § 102 (RELATING TO DEFINITIONS).

16 "LIMITED ABILITY TO SPEAK OR UNDERSTAND ENGLISH." THE
17 ABILITY TO SPEAK EXCLUSIVELY OR PRIMARILY A LANGUAGE OTHER THAN
18 ENGLISH AND THE INABILITY TO SUFFICIENTLY SPEAK OR UNDERSTAND
19 ENGLISH.

20 "LOCAL AGENCY." A GOVERNMENT AGENCY OTHER THAN A
21 COMMONWEALTH AGENCY.

22 "MATTER." ACTION, PROCEEDING OR APPEAL.

23 "NON-ENGLISH SPEAKING PERSON." A PRINCIPAL PARTY IN INTEREST
24 OR A WITNESS WHO HAS LIMITED ABILITY TO SPEAK OR UNDERSTAND
25 ENGLISH.

26 "OTHERWISE QUALIFIED INTERPRETER." A PERSON WHO:

27 (1) FOR PURPOSES OF SUBCHAPTER C OF CHAPTER 5 (RELATING
28 TO ADMINISTRATIVE PROCEEDING INTERPRETERS FOR NON-ENGLISH-
29 SPEAKING PERSONS):

30 (I) IS READILY ABLE TO INTERPRET; AND

1 (II) HAS READ, UNDERSTANDS AND AGREES TO ABIDE BY
2 THE CODE OF PROFESSIONAL CONDUCT FOR ADMINISTRATIVE
3 PROCEEDING INTERPRETERS FOR NON-ENGLISH-SPEAKING PERSONS
4 AS ESTABLISHED BY THE DEPARTMENT OF LABOR AND INDUSTRY
5 IN ACCORDANCE WITH SUBCHAPTER C OF CHAPTER 5.

6 (2) FOR PURPOSES OF SUBCHAPTER D OF CHAPTER 5 (RELATING
7 TO ADMINISTRATIVE PROCEEDING INTERPRETERS FOR PERSONS WHO ARE
8 DEAF) :

9 (I) IS READILY ABLE TO INTERPRET;

10 (II) IS CERTIFIED BY THE REGISTRY OF INTERPRETERS
11 FOR THE DEAF OR SIMILAR REGISTRY; AND

12 (III) HAS READ, UNDERSTANDS AND AGREES TO ABIDE BY
13 THE CODE OF PROFESSIONAL CONDUCT FOR ADMINISTRATIVE
14 PROCEEDING INTERPRETERS FOR PERSONS WHO ARE DEAF AS
15 ESTABLISHED BY THE DEPARTMENT OF LABOR AND INDUSTRY IN
16 ACCORDANCE WITH SUBCHAPTER D OF CHAPTER 5.

17 "PARTY." ANY PERSON WHO APPEARS IN A PROCEEDING BEFORE AN
18 AGENCY WHO HAS A DIRECT INTEREST IN THE SUBJECT MATTER OF SUCH
19 PROCEEDING.

20 "PERSON." INCLUDES A GOVERNMENT UNIT OR AN AGENCY OF THE
21 FEDERAL GOVERNMENT.

22 "PERSON WHO IS DEAF." A PARTY OR WITNESS WHO IS DEAF.

23 "TRANSLITERATION." TO CONVEY SPOKEN OR WRITTEN ENGLISH IN AN
24 ENGLISH-BASED SIGN SYSTEM AND THE PROCESS OF CONVEYING AN
25 ENGLISH-BASED SIGN SYSTEM IN SPOKEN OR WRITTEN ENGLISH.

26 "WITNESS." A PERSON WHO TESTIFIES IN A PROCEEDING BEFORE AN
27 AGENCY.

28 SECTION 2. SECTION 505.1 OF TITLE 2 IS REPEALED.

29 SECTION 3. CHAPTER 5 OF TITLE 2 IS AMENDED BY ADDING
30 SUBCHAPTERS TO READ:

SUBCHAPTER C

ADMINISTRATIVE PROCEEDING INTERPRETERS

FOR NON-ENGLISH-SPEAKING

PERSONS

SEC.

561. SCOPE OF SUBCHAPTER.

562. DUTIES OF DEPARTMENT.

563. APPOINTMENT OF INTERPRETER.

564. REPLACEMENT OF INTERPRETER.

565. OATH.

566. CONFIDENTIAL COMMUNICATIONS IN PRESENCE OF INTERPRETER.

567. COST OF PROVIDING INTERPRETER.

568. FUNDING.

§ 561. 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

1 EDUCATION INVOLVING STUDENT DISCIPLINE.

2 (C) LOCAL AGENCIES.--THIS SUBCHAPTER APPLIES TO ALL LOCAL
3 AGENCIES.

4 § 562. DUTIES OF DEPARTMENT.

5 (A) INTERPRETER PROGRAM.--THE DEPARTMENT SHALL ESTABLISH A
6 PROGRAM TO APPOINT AND USE CERTIFIED INTERPRETERS IN
7 ADMINISTRATIVE PROCEEDINGS. TO CERTIFY INTERPRETERS, THE
8 DEPARTMENT SHALL EITHER:

9 (1) ESTABLISH A PROGRAM WHICH SHALL INCLUDE:

10 (I) ESTABLISHING AND ADMINISTERING A COMPREHENSIVE
11 TESTING AND CERTIFICATION PROGRAM FOR INTERPRETERS;

12 (II) ESTABLISHING AND ADOPTING STANDARDS OF
13 PROFICIENCY, WRITTEN AND ORAL, IN ENGLISH AND THE
14 LANGUAGE TO BE INTERPRETED, INCLUDING, BUT NOT LIMITED
15 TO, CERTIFICATION BY THE COURT ADMINISTRATOR OF
16 PENNSYLVANIA AS PROVIDED IN 42 PA.C.S. CH. 44 (RELATING
17 TO COURT INTERPRETERS);

18 (III) CONDUCTING PERIODIC EXAMINATIONS TO ENSURE THE
19 AVAILABILITY OF CERTIFIED INTERPRETERS;

20 (IV) PRESCRIBING, DETERMINING AND CERTIFYING THE
21 QUALIFICATIONS OF PERSONS WHO MAY SERVE AS CERTIFIED
22 INTERPRETERS; AND

23 (V) CHARGING REASONABLE FEES, AS DEEMED NECESSARY,
24 FOR TESTING AND CERTIFICATION; OR

25 (2) ESTABLISH AND SUPPORT A CERTIFICATION PROGRAM BY ANY
26 MEANS DEEMED APPROPRIATE BY THE DEPARTMENT.

27 (B) LIST OF CERTIFIED INTERPRETERS.--THE DEPARTMENT SHALL
28 COMPILE, MAINTAIN AND DISSEMINATE A CURRENT LIST OF INTERPRETERS
29 CERTIFIED BY THE DEPARTMENT TO THE AGENCIES THROUGH ANY MEANS
30 DEEMED APPROPRIATE BY THE DEPARTMENT, INCLUDING, BUT NOT LIMITED

1 TO, A WRITTEN DIRECTORY AND PUBLICATION ON THE OFFICIAL WORLD
2 WIDE WEB SITE OF THE DEPARTMENT.

3 (C) GUIDELINES FOR SELECTION OF OTHERWISE QUALIFIED
4 INTERPRETERS.--THE DEPARTMENT SHALL PROVIDE GUIDELINES TO THE
5 AGENCIES FOR THE SELECTION AND USE OF OTHERWISE QUALIFIED
6 INTERPRETERS IN ORDER TO ENSURE THAT THE HIGHEST STANDARDS OF
7 ACCURACY ARE MAINTAINED IN ALL ADMINISTRATIVE PROCEEDINGS
8 SUBJECT TO THIS SUBCHAPTER.

9 (D) FEE SCHEDULE.--THE DEPARTMENT SHALL PRESCRIBE, SUBJECT
10 TO PERIODIC REVIEW, A SCHEDULE OF REASONABLE FEES FOR SERVICES
11 RENDERED BY CERTIFIED INTERPRETERS AND OTHERWISE QUALIFIED
12 INTERPRETERS.

13 (E) STANDARDS OF PROFESSIONAL CONDUCT.--

14 (1) THE DEPARTMENT SHALL ESTABLISH AND ADOPT STANDARDS
15 FOR A CODE OF PROFESSIONAL CONDUCT FOR ADMINISTRATIVE
16 PROCEEDING INTERPRETERS FOR NON-ENGLISH-SPEAKING PERSONS.

17 (2) THE DEPARTMENT SHALL ESTABLISH, ADMINISTER OR
18 RECOMMEND A PROCESS TO REVIEW AND RESPOND TO ALLEGATIONS OF
19 VIOLATIONS OF THE CODE OF PROFESSIONAL CONDUCT FOR
20 ADMINISTRATIVE PROCEEDING INTERPRETERS FOR NON-ENGLISH-
21 SPEAKING PERSONS, INCLUDING, BUT NOT LIMITED TO,
22 DECERTIFICATION AND OTHER DISCIPLINARY MEASURES.

23 § 563. APPOINTMENT OF INTERPRETER.

24 (A) APPOINTMENT OF CERTIFIED INTERPRETER.--UPON REQUEST, AN
25 ADMINISTRATIVE LAW JUDGE SHALL APPOINT A CERTIFIED INTERPRETER,
26 UNLESS A CERTIFIED INTERPRETER IS UNAVAILABLE AS PROVIDED IN
27 SUBSECTION (B).

28 (B) APPOINTMENT OF OTHERWISE QUALIFIED INTERPRETER WHEN
29 CERTIFIED INTERPRETER IS UNAVAILABLE.--

30 (1) AN OTHERWISE QUALIFIED INTERPRETER SHALL BE

1 APPOINTED BY THE ADMINISTRATIVE LAW JUDGE IF A GOOD FAITH
2 EFFORT WAS MADE TO OBTAIN A CERTIFIED INTERPRETER AND A
3 CERTIFIED INTERPRETER WAS NOT REASONABLY AVAILABLE, AS
4 DETERMINED BY THE ADMINISTRATIVE LAW JUDGE.

5 (2) PRIOR TO THE APPOINTMENT OF AN OTHERWISE QUALIFIED
6 INTERPRETER, THE ADMINISTRATIVE LAW JUDGE SHALL STATE ON THE
7 RECORD THAT THE OTHERWISE QUALIFIED INTERPRETER:

8 (I) IS READILY ABLE TO INTERPRET; AND

9 (II) HAS READ, UNDERSTANDS AND AGREES TO ABIDE BY
10 THE CODE OF PROFESSIONAL CONDUCT FOR ADMINISTRATIVE
11 PROCEEDING INTERPRETERS FOR NON-ENGLISH-SPEAKING PERSONS,
12 AS ESTABLISHED BY THE DEPARTMENT.

13 (C) ADDITIONAL INTERPRETERS.--AFTER CONSIDERATION OF THE
14 LENGTH OF THE ADMINISTRATIVE PROCEEDING AND THE NUMBER OF NON-
15 ENGLISH-SPEAKING PERSONS INVOLVED, AN ADMINISTRATIVE LAW JUDGE
16 MAY APPOINT, AS PROVIDED IN SUBSECTIONS (A) AND (B), AN
17 ADDITIONAL INTERPRETER OR PROVIDE FOR ADDITIONAL INTERPRETATION
18 IN A MANNER DEEMED APPROPRIATE BY THE ADMINISTRATIVE LAW JUDGE.

19 § 564. REPLACEMENT OF INTERPRETER.

20 AN ADMINISTRATIVE LAW JUDGE SHALL DISMISS THE INTERPRETER AND
21 OBTAIN THE SERVICES OF ANOTHER INTERPRETER IN ACCORDANCE WITH
22 THIS SUBCHAPTER, IF THE INTERPRETER:

23 (1) FAILS TO FOLLOW THE STANDARDS PRESCRIBED BY LAW OR
24 BY THE CODE OF PROFESSIONAL CONDUCT FOR ADMINISTRATIVE
25 PROCEEDING INTERPRETERS FOR NON-ENGLISH-SPEAKING PERSONS.

26 (2) IS UNABLE TO EFFECTIVELY COMMUNICATE WITH THE
27 ADMINISTRATIVE LAW JUDGE OR THE NON-ENGLISH-SPEAKING PERSON,
28 INCLUDING WHERE THE INTERPRETER SELF-REPORTS SUCH INABILITY.

29 § 565. OATH.

30 BEFORE THE COMMENCEMENT OF INTERPRETER DUTIES, AN INTERPRETER

1 APPOINTED UNDER THIS SUBCHAPTER SHALL TAKE AN OATH OR MAKE AN
2 AFFIRMATION ON THE RECORD THAT THE INTERPRETER WILL MAKE A TRUE
3 INTERPRETATION TO THE NON-ENGLISH-SPEAKING PERSON IN THE
4 LANGUAGE WHICH THE NON-ENGLISH SPEAKING PERSON UNDERSTANDS AND
5 THAT THE INTERPRETER WILL REPEAT THE STATEMENTS OF THE NON-
6 ENGLISH-SPEAKING PERSON TO THE COURT IN ENGLISH TO THE BEST OF
7 THE INTERPRETER'S SKILL AND JUDGMENT AND IN ACCORDANCE WITH THE
8 CODE OF PROFESSIONAL CONDUCT FOR ADMINISTRATIVE PROCEEDING
9 INTERPRETERS FOR NON-ENGLISH-SPEAKING PERSONS.

10 § 566. CONFIDENTIAL COMMUNICATIONS IN PRESENCE OF INTERPRETER.

11 AN INTERPRETER APPOINTED UNDER THIS SUBCHAPTER MAY NOT BE
12 COMPELLED TO TESTIFY, IN ANY JUDICIAL PROCEEDING OR
13 ADMINISTRATIVE PROCEEDING, TO STATEMENTS MADE BY THE NON-
14 ENGLISH-SPEAKING PERSON AND INTERPRETED BY THE INTERPRETER WHEN
15 THE NON-ENGLISH-SPEAKING PERSON IS ENGAGED IN A CONFIDENTIAL
16 COMMUNICATION AS PROVIDED BY ANY STATUTE OR GENERAL RULE,
17 INCLUDING, BUT NOT LIMITED TO:

18 (1) 42 PA.C.S. § 5916 (RELATING TO CONFIDENTIAL
19 COMMUNICATIONS TO ATTORNEY).

20 (2) 42 PA.C.S. § 5928 (RELATING TO CONFIDENTIAL
21 COMMUNICATIONS TO ATTORNEY).

22 (3) 42 PA.C.S. § 5942 (RELATING TO CONFIDENTIAL
23 COMMUNICATIONS TO NEWS REPORTERS).

24 (4) 42 PA.C.S. § 5943 (RELATING TO CONFIDENTIAL
25 COMMUNICATIONS TO CLERGYMEN).

26 (5) 42 PA.C.S. § 5944 (RELATING TO CONFIDENTIAL
27 COMMUNICATIONS TO PSYCHIATRISTS OR LICENSED PSYCHOLOGISTS).

28 (6) 42 PA.C.S. § 5945 (RELATING TO CONFIDENTIAL
29 COMMUNICATIONS TO SCHOOL PERSONNEL).

30 (7) 42 PA.C.S. § 5945.1 (RELATING TO CONFIDENTIAL

1 COMMUNICATIONS WITH SEXUAL ASSAULT COUNSELORS).

2 (8) 42 PA.C.S. § 5945.2 (RELATING TO CONFIDENTIAL
3 COMMUNICATIONS TO CRIME STOPPER OR SIMILAR ANTICRIME
4 PROGRAM).

5 § 567. COST OF PROVIDING INTERPRETER.

6 AN INTERPRETER APPOINTED IN ACCORDANCE WITH THIS SUBCHAPTER
7 IS ENTITLED TO A REASONABLE FEE FOR INTERPRETER SERVICES AND
8 SHALL BE REIMBURSED FOR ACTUAL AND REASONABLE EXPENSES BY THE
9 AGENCY CONDUCTING THE ADMINISTRATIVE PROCEEDING.

10 § 568. FUNDING.

11 EXCEPT AS PROVIDED IN SECTION 567 (RELATING TO COST OF
12 PROVIDING INTERPRETER), THE GENERAL ASSEMBLY SHALL APPROPRIATE
13 TO THE DEPARTMENT SUCH SUMS AS MAY BE NECESSARY TO ESTABLISH A
14 PROGRAM TO FACILITATE THE USE OF INTERPRETERS AND OTHERWISE
15 FULFILL THE PROVISIONS OF THIS SUBCHAPTER. IMPLEMENTATION OF
16 THIS SECTION IS CONTINGENT UPON THE AVAILABILITY OF APPROPRIATED
17 FUNDS TO CARRY OUT THE PURPOSES OF THIS SECTION.

18 SUBCHAPTER D

19 ADMINISTRATIVE PROCEEDING INTERPRETERS

20 FOR PERSONS WHO ARE DEAF

21 SEC.

22 581. SCOPE OF SUBCHAPTER.

23 582. DUTIES OF DEPARTMENT.

24 583. APPOINTMENT OF INTERPRETER.

25 584. REPLACEMENT OF INTERPRETER.

26 585. OATH.

27 586. CONFIDENTIAL COMMUNICATIONS IN PRESENCE OF INTERPRETER.

28 587. COST OF PROVIDING INTERPRETER.

29 588. FUNDING.

30 § 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.

(C) LOCAL AGENCIES.--THIS SUBCHAPTER APPLIES TO ALL LOCAL
AGENCIES.

§ 582. DUTIES OF DEPARTMENT.

(A) INTERPRETER PROGRAM.--THE DEPARTMENT SHALL ESTABLISH A
PROGRAM TO APPOINT AND USE CERTIFIED INTERPRETERS IN
ADMINISTRATIVE PROCEEDINGS. TO CERTIFY INTERPRETERS, THE
DEPARTMENT 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, WRITTEN AND ORAL, IN ENGLISH AND THE
LANGUAGE TO BE INTERPRETED, INCLUDING, BUT NOT LIMITED

1 TO, CERTIFICATION BY THE COURT ADMINISTRATOR OF
2 PENNSYLVANIA AS PROVIDED IN 42 PA.C.S. CH. 44 (RELATING
3 TO COURT INTERPRETERS) AND CERTIFICATION BY THE REGISTRY
4 FOR INTERPRETERS FOR THE DEAF OR SIMILAR REGISTRY;

5 (III) CONDUCTING PERIODIC EXAMINATIONS TO ENSURE THE
6 AVAILABILITY OF CERTIFIED INTERPRETERS;

7 (IV) PRESCRIBING, DETERMINING AND CERTIFYING THE
8 QUALIFICATIONS OF PERSONS WHO MAY SERVE AS CERTIFIED
9 INTERPRETERS; AND

10 (V) CHARGING REASONABLE FEES, AS DEEMED NECESSARY,
11 FOR TESTING AND CERTIFICATION; OR

12 (2) ESTABLISH AND SUPPORT A CERTIFICATION PROGRAM BY ANY
13 MEANS DEEMED APPROPRIATE BY THE DEPARTMENT.

14 (B) LIST OF CERTIFIED INTERPRETERS.--THE DEPARTMENT SHALL
15 COMPILE, MAINTAIN AND DISSEMINATE A CURRENT LIST OF INTERPRETERS
16 CERTIFIED BY THE DEPARTMENT TO THE AGENCIES THROUGH ANY MEANS
17 DEEMED APPROPRIATE BY THE DEPARTMENT, INCLUDING, BUT NOT LIMITED
18 TO, A WRITTEN DIRECTORY AND PUBLICATION ON THE OFFICIAL WORLD
19 WIDE WEB SITE OF THE DEPARTMENT.

20 (C) GUIDELINES FOR SELECTION OF OTHERWISE QUALIFIED
21 INTERPRETERS.--THE DEPARTMENT SHALL PROVIDE GUIDELINES TO THE
22 AGENCIES FOR THE SELECTION AND USE OF OTHERWISE QUALIFIED
23 INTERPRETERS IN ORDER TO ENSURE THAT THE HIGHEST STANDARDS OF
24 ACCURACY ARE MAINTAINED IN ALL ADMINISTRATIVE PROCEEDINGS
25 SUBJECT TO THIS SUBCHAPTER.

26 (D) FEE SCHEDULE.--THE DEPARTMENT SHALL PRESCRIBE, SUBJECT
27 TO PERIODIC REVIEW, A SCHEDULE OF REASONABLE FEES FOR SERVICES
28 RENDERED BY CERTIFIED INTERPRETERS AND OTHERWISE QUALIFIED
29 INTERPRETERS.

30 (E) STANDARDS OF PROFESSIONAL CONDUCT.--

1 (1) THE DEPARTMENT SHALL ESTABLISH AND ADOPT STANDARDS
2 FOR A CODE OF PROFESSIONAL CONDUCT FOR ADMINISTRATIVE
3 PROCEEDING INTERPRETERS FOR PERSONS WHO ARE DEAF.

4 (2) THE DEPARTMENT SHALL ESTABLISH, ADMINISTER OR
5 RECOMMEND A PROCESS TO REVIEW AND RESPOND TO ALLEGATIONS OF
6 VIOLATIONS OF THE CODE OF PROFESSIONAL CONDUCT FOR
7 ADMINISTRATIVE PROCEEDING INTERPRETERS FOR PERSONS WHO ARE
8 DEAF, INCLUDING, BUT NOT LIMITED TO, DECERTIFICATION AND
9 OTHER DISCIPLINARY MEASURES.

10 § 583. APPOINTMENT OF INTERPRETER.

11 (A) APPOINTMENT OF CERTIFIED INTERPRETER.--UPON REQUEST, AN
12 ADMINISTRATIVE LAW JUDGE SHALL APPOINT A CERTIFIED INTERPRETER
13 UNLESS THE CERTIFIED INTERPRETER IS UNAVAILABLE AS PROVIDED IN
14 SUBSECTION (B).

15 (B) APPOINTMENT OF OTHERWISE QUALIFIED INTERPRETER WHEN
16 CERTIFIED INTERPRETER IS UNAVAILABLE.--

17 (1) AN OTHERWISE QUALIFIED INTERPRETER SHALL BE
18 APPOINTED BY AN ADMINISTRATIVE LAW JUDGE IF A GOOD FAITH
19 EFFORT WAS MADE TO OBTAIN A CERTIFIED INTERPRETER AND A
20 CERTIFIED INTERPRETER WAS NOT REASONABLY AVAILABLE, AS
21 DETERMINED BY THE ADMINISTRATIVE LAW JUDGE.

22 (2) PRIOR TO THE APPOINTMENT OF AN OTHERWISE QUALIFIED
23 INTERPRETER, THE ADMINISTRATIVE LAW JUDGE SHALL STATE ON THE
24 RECORD THAT TO THE BEST OF THE KNOWLEDGE OF THE
25 ADMINISTRATIVE LAW JUDGE, THE OTHERWISE QUALIFIED
26 INTERPRETER:

27 (I) IS READILY ABLE TO INTERPRET;

28 (II) IS CERTIFIED BY THE REGISTRY OF INTERPRETERS
29 FOR THE DEAF OR SIMILAR REGISTRY, TO THE BEST OF THE
30 KNOWLEDGE OF THE ADMINISTRATIVE LAW JUDGE; AND

(III) HAS READ, UNDERSTANDS AND AGREES TO ABIDE BY
THE CODE OF PROFESSIONAL CONDUCT FOR ADMINISTRATIVE
PROCEEDING INTERPRETERS FOR PERSONS WHO ARE DEAF, AS
ESTABLISHED BY THE DEPARTMENT.

(C) ADDITIONAL INTERPRETERS.--AFTER CONSIDERATION OF THE
LENGTH OF THE ADMINISTRATIVE PROCEEDING, THE SPECIAL NEEDS OF
THE PERSON WHO IS DEAF, AND THE NUMBER OF PERSONS INVOLVED WHO
ARE DEAF, THE ADMINISTRATIVE LAW JUDGE MAY APPOINT, AS PROVIDED
IN SUBSECTIONS (A) AND (B), AN ADDITIONAL INTERPRETER OR PROVIDE
FOR ADDITIONAL INTERPRETATION IN A MANNER DEEMED APPROPRIATE BY
THE ADMINISTRATIVE LAW JUDGE.

§ 584. REPLACEMENT OF INTERPRETER.

AN ADMINISTRATIVE LAW JUDGE SHALL DISMISS THE INTERPRETER AND
OBTAIN THE SERVICES OF ANOTHER INTERPRETER IN ACCORDANCE WITH
THIS SUBCHAPTER IF THE INTERPRETER:

(1) FAILS TO FOLLOW THE STANDARDS PRESCRIBED BY LAW OR
BY THE CODE OF PROFESSIONAL CONDUCT FOR ADMINISTRATIVE
PROCEEDING INTERPRETERS FOR PERSONS WHO ARE DEAF.

(2) IS UNABLE TO EFFECTIVELY COMMUNICATE WITH THE
ADMINISTRATIVE LAW JUDGE OR PERSON WHO IS DEAF, INCLUDING
WHERE THE INTERPRETER SELF-REPORTS SUCH INABILITY.

§ 585. OATH.

BEFORE THE COMMENCEMENT OF INTERPRETER DUTIES, AN INTERPRETER
APPOINTED UNDER THIS SUBCHAPTER SHALL TAKE AN OATH OR MAKE AN
AFFIRMATION ON THE RECORD THAT THE INTERPRETER WILL MAKE A TRUE
INTERPRETATION TO THE PERSON WHO IS DEAF IN THE MANNER THAT THE
PERSON WHO IS DEAF UNDERSTANDS AND THAT THE INTERPRETER WILL
REPEAT THE STATEMENTS OF THE PERSON WHO IS DEAF TO THE COURT IN
THE SPOKEN ENGLISH LANGUAGE TO THE BEST OF THE INTERPRETER'S
SKILL AND JUDGMENT AND IN ACCORDANCE WITH THE CODE OF

PROFESSIONAL CONDUCT FOR ADMINISTRATIVE PROCEEDING INTERPRETERS
FOR PERSONS WHO ARE DEAF.

§ 586. CONFIDENTIAL COMMUNICATIONS IN PRESENCE OF INTERPRETER.

AN INTERPRETER APPOINTED UNDER THIS SUBCHAPTER MAY NOT BE
COMPELLED TO TESTIFY, IN ANY JUDICIAL PROCEEDING OR
ADMINISTRATIVE PROCEEDING, TO STATEMENTS MADE BY THE PERSON WHO
IS DEAF AND INTERPRETED BY THE INTERPRETER WHEN THE PERSON WHO
IS DEAF IS ENGAGED IN A CONFIDENTIAL COMMUNICATION AS PROVIDED
BY ANY STATUTE OR GENERAL RULE, INCLUDING, BUT NOT LIMITED TO:

(1) 42 PA.C.S. § 5916 (RELATING TO CONFIDENTIAL
COMMUNICATIONS TO ATTORNEY).

(2) 42 PA.C.S. § 5928 (RELATING TO CONFIDENTIAL
COMMUNICATIONS TO ATTORNEY).

(3) 42 PA.C.S. § 5942 (RELATING TO CONFIDENTIAL
COMMUNICATIONS TO NEWS REPORTERS).

(4) 42 PA.C.S. § 5943 (RELATING TO CONFIDENTIAL
COMMUNICATIONS TO CLERGYMEN).

(5) 42 PA.C.S. § 5944 (RELATING TO CONFIDENTIAL
COMMUNICATIONS TO PSYCHIATRISTS OR LICENSED PSYCHOLOGISTS).

(6) 42 PA.C.S. § 5945 (RELATING TO CONFIDENTIAL
COMMUNICATIONS TO SCHOOL PERSONNEL).

(7) 42 PA.C.S. § 5945.1 (RELATING TO CONFIDENTIAL
COMMUNICATIONS WITH SEXUAL ASSAULT COUNSELORS).

(8) 42 PA.C.S. § 5945.2 (RELATING TO CONFIDENTIAL
COMMUNICATIONS TO CRIME STOPPER OR SIMILAR ANTICRIME
PROGRAM).

§ 587. COST OF PROVIDING INTERPRETER.

AN INTERPRETER APPOINTED IN ACCORDANCE WITH THIS SUBCHAPTER
IS ENTITLED TO A REASONABLE FEE FOR INTERPRETER SERVICES AND
SHALL BE REIMBURSED FOR ACTUAL AND REASONABLE EXPENSES BY THE

1 AGENCY CONDUCTING THE ADMINISTRATIVE PROCEEDING.

2 § 588. FUNDING.

3 EXCEPT AS PROVIDED IN SECTION 587 (RELATING TO COST OF
4 PROVIDING INTERPRETER), THE GENERAL ASSEMBLY SHALL APPROPRIATE
5 TO THE DEPARTMENT SUCH SUMS AS MAY BE NECESSARY TO ESTABLISH A
6 PROGRAM TO FACILITATE THE USE OF INTERPRETERS AND OTHERWISE
7 FULFILL THE PROVISIONS OF THIS SUBCHAPTER. IMPLEMENTATION OF
8 THIS SECTION IS CONTINGENT UPON THE AVAILABILITY OF APPROPRIATED
9 FUNDS TO CARRY OUT THE PURPOSES OF THIS SECTION.

10 SECTION 4. TITLE 42 IS AMENDED BY ADDING A CHAPTER TO READ:

11 CHAPTER 44

12 COURT INTERPRETERS

13 SUBCH.

14 A. GENERAL PROVISIONS

15 B. COURT INTERPRETER FOR NON-ENGLISH-SPEAKING PERSONS.

16 C. COURT INTERPRETERS FOR PERSONS WHO ARE DEAF.

17 SUBCHAPTER A

18 GENERAL PROVISIONS

19 SEC.

20 4401. DEFINITIONS.

21 § 4401. DEFINITIONS.

22 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER
23 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
24 CONTEXT CLEARLY INDICATES OTHERWISE:

25 "ADMINISTRATIVE PROCEEDING." ANY PROCEEDING OTHER THAN A
26 JUDICIAL PROCEEDING, THE OUTCOME OF WHICH IS REQUIRED TO BE
27 BASED ON A RECORD OR DOCUMENTATION PRESCRIBED BY LAW OR IN WHICH
28 LAW OR REGULATION IS PARTICULARIZED IN APPLICATION TO
29 INDIVIDUALS. THE TERM INCLUDES AN APPEAL AS DEFINED IN 2 PA.C.S.
30 § 101 (RELATING TO DEFINITIONS).

"CERTIFIED INTERPRETER." A PERSON WHO:

(1) IS READILY ABLE TO INTERPRET; AND

(2) IS CERTIFIED BY THE COURT ADMINISTRATOR IN

ACCORDANCE WITH EITHER SUBCHAPTER B (RELATING TO COURT

INTERPRETERS FOR NON-ENGLISH-SPEAKING PERSONS) OR SUBCHAPTER

C (RELATING TO COURT INTERPRETERS FOR PERSONS WHO ARE DEAF).

"COURT ADMINISTRATOR." THE COURT ADMINISTRATOR OF

PENNSYLVANIA.

"DEAF." AN IMPAIRMENT OF HEARING OR SPEECH WHICH CREATES AN

INABILITY TO UNDERSTAND OR COMMUNICATE THE SPOKEN ENGLISH

LANGUAGE.

"DIRECT VICTIM." A DIRECT VICTIM AS DEFINED IN SECTION 103

OF THE ACT OF NOVEMBER 24, 1998 (P.L.882, NO.111), KNOWN AS THE

CRIME VICTIMS ACT.

"IMMEDIATE FAMILY MEMBER." A SPOUSE, PARENT OR CHILD.

"INTERPRET." EITHER ONE OF THE FOLLOWING:

(1) FOR PURPOSES OF SUBCHAPTER B (RELATING TO COURT

INTERPRETERS FOR NON-ENGLISH-SPEAKING PERSONS), TO CONVEY

SPOKEN AND WRITTEN ENGLISH INTO THE LANGUAGE OF THE NON-

ENGLISH-SPEAKING PERSON AND TO CONVEY ORAL AND WRITTEN

STATEMENTS BY THE NON-ENGLISH-SPEAKING PERSON INTO ENGLISH.

(2) FOR PURPOSES OF SUBCHAPTER C (RELATING TO COURT

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.

"INTERPRETER." INCLUDES BOTH A CERTIFIED INTERPRETER AND AN

OTHERWISE QUALIFIED INTERPRETER.

"JUDICIAL PROCEEDING." AN ACTION, APPEAL OR PROCEEDING IN

1 ANY COURT OF THIS COMMONWEALTH.

2 "LIMITED ABILITY TO SPEAK OR UNDERSTAND ENGLISH." THE
3 ABILITY TO SPEAK EXCLUSIVELY OR PRIMARILY A LANGUAGE OTHER THAN
4 ENGLISH AND THE INABILITY TO SUFFICIENTLY SPEAK OR UNDERSTAND
5 ENGLISH.

6 "NON-ENGLISH-SPEAKING PERSON." A PRINCIPAL PARTY IN INTEREST
7 OR A WITNESS WHO HAS LIMITED ABILITY TO SPEAK OR UNDERSTAND
8 ENGLISH.

9 "OTHERWISE QUALIFIED INTERPRETER." A PERSON WHO:

10 (1) FOR PURPOSES OF SUBCHAPTER B (RELATING TO COURT
11 INTERPRETERS FOR NON-ENGLISH-SPEAKING PERSONS):

12 (I) IS READILY ABLE TO INTERPRET; AND

13 (II) HAS READ, UNDERSTANDS AND AGREES TO ABIDE BY
14 THE CODE OF PROFESSIONAL CONDUCT FOR COURT INTERPRETERS
15 FOR NON-ENGLISH-SPEAKING PERSONS AS ESTABLISHED BY THE
16 COURT ADMINISTRATOR IN ACCORDANCE WITH SUBCHAPTER B.

17 (2) FOR PURPOSES OF SUBCHAPTER C (RELATING TO COURT
18 INTERPRETERS FOR PERSONS WHO ARE DEAF):

19 (I) IS READILY ABLE TO INTERPRET;

20 (II) IS CERTIFIED BY THE REGISTRY OF INTERPRETERS
21 FOR THE DEAF OR SIMILAR REGISTRY; 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 IN ACCORDANCE WITH SUBCHAPTER C.

26 "PERSON WHO IS DEAF." A PRINCIPAL PARTY IN INTEREST OR A
27 WITNESS WHO IS DEAF.

28 "PRESIDING JUDICIAL OFFICER." INCLUDES A JUDICIAL OFFICER AS
29 DEFINED IN SECTION 102 (RELATING TO DEFINITIONS).

30 "PRINCIPAL PARTY IN INTEREST." A PERSON INVOLVED IN A

1 JUDICIAL PROCEEDING WHO IS A NAMED PARTY, WILL BE BOUND BY THE
2 DECISION OR ACTION OR IS FORECLOSED FROM PURSUING THAT PERSON'S
3 RIGHTS BY THE DECISION OR ACTION WHICH MAY BE TAKEN IN THE
4 JUDICIAL PROCEEDING.

5 "TRANSLITERATION." TO CONVEY SPOKEN OR WRITTEN ENGLISH IN AN
6 ENGLISH-BASED SIGN SYSTEM AND THE PROCESS OF CONVEYING AN
7 ENGLISH-BASED SIGN SYSTEM IN SPOKEN OR WRITTEN ENGLISH.

8 "WITNESS." A PERSON WHO TESTIFIES IN A JUDICIAL PROCEEDING.

9 SUBCHAPTER B

10 COURT INTERPRETERS FOR NON-ENGLISH-SPEAKING PERSONS
11 SEC.

12 4411. LEGISLATIVE FINDINGS AND DECLARATION.

13 4412. DUTIES OF COURT ADMINISTRATOR.

14 4413. APPOINTMENT OF INTERPRETER.

15 4414. REPLACEMENT OF INTERPRETER.

16 4415. OATH.

17 4416. CONFIDENTIAL COMMUNICATIONS IN PRESENCE OF INTERPRETER.

18 4417. COST OF PROVIDING INTERPRETER.

19 4418. FUNDING.

20 § 4411. LEGISLATIVE FINDINGS AND DECLARATION.

21 IT IS HEREBY DECLARED TO BE THE POLICY OF THIS COMMONWEALTH
22 TO SECURE THE RIGHTS, CONSTITUTIONAL AND OTHERWISE, OF PERSONS,
23 WHO BECAUSE OF A NON-ENGLISH-SPEAKING CULTURAL BACKGROUND, ARE
24 UNABLE TO UNDERSTAND OR COMMUNICATE ADEQUATELY IN THE ENGLISH
25 LANGUAGE WHEN THEY APPEAR IN COURT OR ARE INVOLVED IN JUDICIAL
26 PROCEEDINGS. IT IS THE INTENT OF THIS SUBCHAPTER TO PROVIDE FOR
27 THE CERTIFICATION, APPOINTMENT AND USE OF INTERPRETERS TO SECURE
28 THE RIGHTS OF NON-ENGLISH-SPEAKING PERSONS IN ALL JUDICIAL
29 PROCEEDINGS.

30 § 4412. DUTIES OF COURT ADMINISTRATOR.

1 (A) INTERPRETER PROGRAM.--THE COURT ADMINISTRATOR SHALL
2 ESTABLISH A PROGRAM TO APPOINT AND USE CERTIFIED INTERPRETERS IN
3 JUDICIAL PROCEEDINGS. TO CERTIFY INTERPRETERS, THE COURT SHALL
4 EITHER:

5 (1) ESTABLISH A PROGRAM WHICH SHALL INCLUDE:

6 (I) ESTABLISHING AND ADMINISTERING A COMPREHENSIVE
7 TESTING AND CERTIFICATION PROGRAM FOR INTERPRETERS;

8 (II) ESTABLISHING AND ADOPTING STANDARDS OF
9 PROFICIENCY, WRITTEN AND ORAL, IN ENGLISH AND THE
10 LANGUAGE TO BE INTERPRETED;

11 (III) CONDUCTING PERIODIC EXAMINATIONS TO ENSURE THE
12 AVAILABILITY OF CERTIFIED INTERPRETERS;

13 (IV) PRESCRIBING, DETERMINING AND CERTIFYING THE
14 QUALIFICATIONS OF PERSONS WHO MAY SERVE AS CERTIFIED
15 INTERPRETERS; AND

16 (V) CHARGING REASONABLE FEES AS DEEMED NECESSARY FOR
17 TESTING AND CERTIFICATION; OR

18 (2) ESTABLISH AND SUPPORT A CERTIFICATION PROGRAM BY ANY
19 MEANS DEEMED APPROPRIATE BY THE COURT ADMINISTRATOR.

20 (B) LIST OF CERTIFIED INTERPRETERS.--THE COURT ADMINISTRATOR
21 SHALL COMPILE, MAINTAIN AND DISSEMINATE A CURRENT LIST OF
22 INTERPRETERS CERTIFIED BY THE COURT ADMINISTRATOR FOR THE COURTS
23 THROUGH ANY MEANS DEEMED APPROPRIATE BY THE COURT ADMINISTRATOR,
24 INCLUDING, BUT NOT LIMITED TO, A WRITTEN DIRECTORY, WHICH SHALL
25 BE MAINTAINED ON FILE WITH THE OFFICE OF THE CLERK OF COURTS IN
26 EACH JUDICIAL DISTRICT, AND THROUGH PUBLICATION ON THE OFFICIAL
27 WORLD WIDE WEB SITE OF THE ADMINISTRATIVE OFFICE.

28 (C) GUIDELINES FOR COURT SELECTION OF OTHERWISE QUALIFIED
29 INTERPRETERS.--THE COURT ADMINISTRATOR SHALL PROVIDE GUIDELINES
30 TO THE COURTS FOR THE SELECTION AND USE OF OTHERWISE QUALIFIED

1 INTERPRETERS IN ORDER TO ENSURE THAT THE HIGHEST STANDARDS OF
2 ACCURACY ARE MAINTAINED IN ALL JUDICIAL PROCEEDINGS SUBJECT TO
3 THE PROVISIONS OF THIS SUBCHAPTER.

4 (D) FEE SCHEDULE.--THE COURT ADMINISTRATOR SHALL PRESCRIBE,
5 SUBJECT TO PERIODIC REVIEW, A SCHEDULE OF REASONABLE FEES FOR
6 SERVICES RENDERED BY CERTIFIED INTERPRETERS AND OTHERWISE
7 QUALIFIED INTERPRETERS USED IN JUDICIAL PROCEEDINGS.

8 (E) STANDARDS OF PROFESSIONAL CONDUCT.--

9 (1) THE COURT ADMINISTRATOR SHALL ESTABLISH AND ADOPT
10 STANDARDS FOR A CODE OF PROFESSIONAL CONDUCT FOR COURT
11 INTERPRETERS FOR NON-ENGLISH-SPEAKING PERSONS.

12 (2) THE COURT ADMINISTRATOR SHALL ESTABLISH, ADMINISTER
13 OR RECOMMEND A PROCESS TO REVIEW AND RESPOND TO ALLEGATIONS
14 OF VIOLATIONS OF THE CODE OF PROFESSIONAL CONDUCT FOR COURT
15 INTERPRETERS FOR NON-ENGLISH-SPEAKING PERSONS, INCLUDING, BUT
16 NOT LIMITED TO, DECERTIFICATION AND OTHER DISCIPLINARY
17 MEASURES.

18 § 4413. APPOINTMENT OF INTERPRETER.

19 (A) APPOINTMENT OF CERTIFIED INTERPRETER.--UPON REQUEST OR
20 SUA SPONTE, IF THE PRESIDING JUDICIAL OFFICER DETERMINES THAT A
21 PRINCIPAL PARTY IN INTEREST OR A WITNESS OR THE DEFENDANT OR
22 DIRECT VICTIM IN A CRIMINAL CASE HAS A LIMITED ABILITY TO SPEAK
23 OR UNDERSTAND ENGLISH, THEN A CERTIFIED INTERPRETER SHALL BE
24 APPOINTED, UNLESS THE CERTIFIED INTERPRETER IS UNAVAILABLE AS
25 PROVIDED IN SUBSECTION (B).

26 (B) APPOINTMENT OF OTHERWISE QUALIFIED INTERPRETER.--

27 (1) AN OTHERWISE QUALIFIED INTERPRETER SHALL BE
28 APPOINTED BY THE PRESIDING JUDICIAL OFFICER IF A GOOD FAITH
29 EFFORT WAS MADE TO OBTAIN A CERTIFIED INTERPRETER AND A
30 CERTIFIED INTERPRETER WAS NOT REASONABLY AVAILABLE, AS

1 DETERMINED BY THE PRESIDING JUDICIAL OFFICER.

2 (2) PRIOR TO THE APPOINTMENT OF THE OTHERWISE QUALIFIED
3 INTERPRETER, THE PRESIDING JUDICIAL OFFICER, PURSUANT TO
4 GENERAL RULE, SHALL STATE ON THE RECORD THAT A CERTIFIED
5 INTERPRETER IS NOT AVAILABLE AND THAT THE OTHERWISE QUALIFIED
6 INTERPRETER:

7 (I) IS READILY ABLE TO INTERPRET; AND

8 (II) HAS READ, UNDERSTANDS AND AGREES TO ABIDE BY
9 THE CODE OF PROFESSIONAL CONDUCT FOR COURT INTERPRETERS
10 FOR NON-ENGLISH-SPEAKING PERSONS, AS ESTABLISHED BY THE
11 COURT ADMINISTRATOR.

12 (C) ADDITIONAL INTERPRETER.--AFTER CONSIDERATION OF THE
13 LENGTH OF THE JUDICIAL PROCEEDING AND THE NUMBER OF NON-ENGLISH-
14 SPEAKING PERSONS INVOLVED, THE PRESIDING JUDICIAL OFFICER MAY
15 APPOINT, AS PROVIDED IN SUBSECTIONS (A) AND (B), AN ADDITIONAL
16 INTERPRETER OR PROVIDE FOR ADDITIONAL INTERPRETATION IN A MANNER
17 DEEMED APPROPRIATE BY THE PRESIDING JUDICIAL OFFICER.

18 (D) IMMEDIATE FAMILY.--THE PRESIDING JUDICIAL OFFICER MAY
19 APPOINT, AS PROVIDED IN SUBSECTIONS (A) AND (B), AN INTERPRETER
20 OR PROVIDE FOR ADDITIONAL INTERPRETATION, AS PROVIDED IN
21 SUBSECTION (C), FOR AN IMMEDIATE FAMILY MEMBER OF A PRINCIPAL
22 PARTY IN INTEREST.

23 § 4414. REPLACEMENT OF INTERPRETER.

24 PURSUANT TO GENERAL RULE, THE PRESIDING JUDICIAL OFFICER
25 SHALL DISMISS THE INTERPRETER AND OBTAIN THE SERVICES OF ANOTHER
26 INTERPRETER IN ACCORDANCE WITH THIS SUBCHAPTER, IF THE
27 INTERPRETER:

28 (1) FAILS TO FOLLOW THE STANDARDS PRESCRIBED BY LAW OR
29 BY THE CODE OF PROFESSIONAL CONDUCT FOR COURT INTERPRETERS
30 FOR NON-ENGLISH-SPEAKING PERSONS.

(2) IS UNABLE TO EFFECTIVELY COMMUNICATE WITH THE
PRESIDING JUDICIAL OFFICER OR THE NON-ENGLISH-SPEAKING
PERSON, INCLUDING WHERE THE INTERPRETER SELF-REPORTS SUCH
INABILITY.

§ 4415. OATH.

BEFORE COMMENCEMENT OF INTERPRETER DUTIES, AN INTERPRETER
APPOINTED UNDER THIS SUBCHAPTER SHALL TAKE AN OATH OR MAKE AN
AFFIRMATION ON THE RECORD THAT THE INTERPRETER WILL MAKE A TRUE
INTERPRETATION TO THE NON-ENGLISH-SPEAKING PERSON IN THE
LANGUAGE WHICH THE NON-ENGLISH-SPEAKING PERSON UNDERSTANDS AND
THAT THE INTERPRETER WILL REPEAT THE STATEMENTS OF THE NON-
ENGLISH-SPEAKING PERSON TO THE COURT IN ENGLISH TO THE BEST OF
THE INTERPRETER'S SKILL AND JUDGMENT AND IN ACCORDANCE WITH THE
CODE OF PROFESSIONAL CONDUCT FOR COURT INTERPRETERS FOR NON-
ENGLISH-SPEAKING PERSONS.

§ 4416. CONFIDENTIAL COMMUNICATIONS IN PRESENCE OF INTERPRETER.

AN INTERPRETER APPOINTED UNDER THIS SUBCHAPTER SHALL NOT BE
COMPELLED TO TESTIFY IN ANY JUDICIAL PROCEEDING OR
ADMINISTRATIVE PROCEEDING TO ANY STATEMENTS MADE BY THE NON-
ENGLISH-SPEAKING PERSON AND INTERPRETED BY THE INTERPRETER WHEN
THE NON-ENGLISH-SPEAKING PERSON IS ENGAGED IN A CONFIDENTIAL
COMMUNICATION AS PROVIDED BY ANY STATUTE OR GENERAL RULE,
INCLUDING, BUT NOT LIMITED TO:

(1) SECTION 5916 (RELATING TO CONFIDENTIAL
COMMUNICATIONS TO ATTORNEY).

(2) SECTION 5928 (RELATING TO CONFIDENTIAL
COMMUNICATIONS TO ATTORNEY).

(3) SECTION 5942 (RELATING TO CONFIDENTIAL
COMMUNICATIONS TO NEWS REPORTERS).

(4) SECTION 5943 (RELATING TO CONFIDENTIAL

1 COMMUNICATIONS TO CLERGYMEN).

2 (5) SECTION 5944 (RELATING TO CONFIDENTIAL
3 COMMUNICATIONS TO PSYCHIATRISTS OR LICENSED PSYCHOLOGISTS).

4 (6) SECTION 5945 (RELATING TO CONFIDENTIAL
5 COMMUNICATIONS TO SCHOOL PERSONNEL).

6 (7) SECTION 5945.1 (RELATING TO CONFIDENTIAL
7 COMMUNICATIONS WITH SEXUAL ASSAULT COUNSELORS).

8 (8) SECTION 5945.2 (RELATING TO CONFIDENTIAL
9 COMMUNICATIONS TO CRIME STOPPER OR SIMILAR ANTICRIME
10 PROGRAM).

11 § 4417. COST OF PROVIDING INTERPRETER.

12 (A) GENERAL RULE.--AN INTERPRETER APPOINTED IN ACCORDANCE
13 WITH THIS SUBCHAPTER IS ENTITLED TO A REASONABLE FEE FOR
14 INTERPRETER SERVICES AND SHALL BE REIMBURSED FOR ACTUAL AND
15 REASONABLE EXPENSES AS PROVIDED IN THIS SECTION.

16 (B) PRINCIPAL PARTY IN INTEREST.--IF THE NON-ENGLISH-
17 SPEAKING PERSON IS A DEFENDANT OR A DIRECT VICTIM IN A JUDICIAL
18 PROCEEDING FOR A CRIMINAL MATTER, THEN THE PAYMENT OF THE COST
19 OF PROVIDING THE INTERPRETER SHALL BE THE RESPONSIBILITY OF THE
20 COUNTY OF THE COURT THAT HAS JURISDICTION OVER THE JUDICIAL
21 PROCEEDING FOR THE CRIMINAL MATTER.

22 (C) WITNESS.--IF THE NON-ENGLISH-SPEAKING PERSON IS
23 COMPELLED TO APPEAR AS A WITNESS IN A JUDICIAL PROCEEDING FOR A
24 CRIMINAL MATTER, THEN THE PAYMENT OF THE COST OF PROVIDING THE
25 INTERPRETER SHALL BE THE RESPONSIBILITY OF THE COUNTY OF THE
26 COURT THAT HAS JURISDICTION OVER THE JUDICIAL PROCEEDING FOR THE
27 CRIMINAL MATTER.

28 (D) PAYMENT DETERMINATION.--EXCEPT AS PROVIDED IN
29 SUBSECTIONS (B) AND (C), DISPOSITION OF ALL OR PART OF THE COST
30 OF PROVIDING INTERPRETER SERVICES SHALL BE IN THE DISCRETION OF

1 THE PRESIDING JUDICIAL OFFICER UNLESS THE PRINCIPAL PARTY IN
2 INTEREST IS INDIGENT. IF THE PRINCIPAL PARTY IN INTEREST IS
3 INDIGENT, THEN THE COST OF PROVIDING INTERPRETER SERVICES SHALL
4 BE THE RESPONSIBILITY OF THE COUNTY OF THE COURT THAT HAS
5 JURISDICTION OVER THE JUDICIAL PROCEEDING. THE PRESIDING
6 JUDICIAL OFFICER MAY ORDER REIMBURSEMENT TO THE COUNTY FOR ITS
7 RESPONSIBILITIES UNDER THIS SECTION.

8 § 4418. FUNDING.

9 EXCEPT AS PROVIDED IN SECTION 4417 (RELATING TO COST OF
10 PROVIDING INTERPRETER), THE GENERAL ASSEMBLY SHALL APPROPRIATE
11 TO THE COURT ADMINISTRATOR SUCH SUMS AS MAY BE NECESSARY TO
12 ESTABLISH A PROGRAM TO FACILITATE THE USE OF INTERPRETERS AND
13 OTHERWISE FULFILL THE PROVISIONS OF THIS SUBCHAPTER.
14 IMPLEMENTATION OF THIS SECTION IS CONTINGENT UPON THE
15 AVAILABILITY OF APPROPRIATED FUNDS TO CARRY OUT THE PURPOSES OF
16 THIS SECTION.

17 SUBCHAPTER C

18 COURT INTERPRETERS FOR PERSONS WHO ARE DEAF
19 SEC.

20 4431. LEGISLATIVE FINDINGS AND DECLARATION.

21 4432. DUTIES OF COURT ADMINISTRATOR.

22 4433. APPOINTMENT OF INTERPRETER.

23 4434. REPLACEMENT OF INTERPRETER.

24 4435. INTERROGATION.

25 4436. OATH.

26 4437. CONFIDENTIAL COMMUNICATIONS IN PRESENCE OF INTERPRETER.

27 4438. COST OF PROVIDING INTERPRETER.

28 4439. FUNDING.

29 § 4431. LEGISLATIVE FINDINGS AND DECLARATION.

30 IT IS HEREBY DECLARED TO BE THE POLICY OF THIS COMMONWEALTH

1 TO SECURE THE RIGHTS, CONSTITUTIONAL AND OTHERWISE, OF PERSONS,
2 WHO BECAUSE OF AN IMPAIRMENT OF HEARING OR SPEECH, ARE UNABLE TO
3 UNDERSTAND OR COMMUNICATE ADEQUATELY IN THE SPOKEN ENGLISH
4 LANGUAGE WHEN THEY APPEAR IN COURT OR ARE INVOLVED IN JUDICIAL
5 PROCEEDINGS. IT IS THE INTENT OF THIS SUBCHAPTER TO PROVIDE FOR
6 THE CERTIFICATION, APPOINTMENT AND USE OF INTERPRETERS TO SECURE
7 THE RIGHTS OF PERSONS WHO ARE DEAF IN ALL JUDICIAL PROCEEDINGS.

8 § 4432. DUTIES OF COURT ADMINISTRATOR.

9 (A) INTERPRETER PROGRAM.--THE COURT ADMINISTRATOR SHALL
10 ESTABLISH A PROGRAM TO APPOINT AND USE CERTIFIED INTERPRETERS IN
11 JUDICIAL PROCEEDINGS. TO CERTIFY INTERPRETERS, THE COURT
12 ADMINISTRATOR SHALL EITHER:

13 (1) ESTABLISH A PROGRAM, WHICH SHALL INCLUDE:

14 (I) ESTABLISHING AND ADMINISTERING A COMPREHENSIVE
15 TESTING AND CERTIFICATION PROGRAM FOR INTERPRETERS;

16 (II) ESTABLISHING AND ADOPTING STANDARDS OF
17 PROFICIENCY, INCLUDING, BUT NOT LIMITED TO, CERTIFICATION
18 BY THE REGISTRY OF INTERPRETERS FOR THE DEAF OR SIMILAR
19 REGISTRY;

20 (III) CONDUCTING PERIODIC EXAMINATIONS TO ENSURE THE
21 AVAILABILITY OF CERTIFIED INTERPRETERS;

22 (IV) PRESCRIBING, DETERMINING AND CERTIFYING THE
23 QUALIFICATIONS OF PERSONS WHO MAY SERVE AS CERTIFIED
24 INTERPRETERS; AND

25 (V) CHARGING REASONABLE FEES AS DEEMED NECESSARY FOR
26 TESTING AND CERTIFICATION; OR

27 (2) ESTABLISH AND SUPPORT A CERTIFICATION PROGRAM BY ANY
28 MEANS AS DEEMED APPROPRIATE BY THE COURT ADMINISTRATOR.

29 (B) LIST OF CERTIFIED INTERPRETERS.--THE COURT ADMINISTRATOR
30 SHALL COMPILE, MAINTAIN AND DISSEMINATE A CURRENT LIST OF

1 INTERPRETERS CERTIFIED BY THE COURT ADMINISTRATOR FOR THE COURTS
2 THROUGH ANY MEANS DEEMED APPROPRIATE BY THE COURT ADMINISTRATOR,
3 INCLUDING, BUT NOT LIMITED TO, A WRITTEN DIRECTORY, WHICH SHALL
4 BE MAINTAINED ON FILE WITH THE OFFICE OF THE CLERK OF COURTS IN
5 EACH JUDICIAL DISTRICT, AND THROUGH PUBLICATION ON THE OFFICIAL
6 WORLD WIDE WEB SITE OF THE ADMINISTRATIVE OFFICE.

7 (C) GUIDELINES FOR COURT SELECTION OF OTHERWISE QUALIFIED
8 INTERPRETERS.--THE COURT ADMINISTRATOR SHALL PROVIDE GUIDELINES
9 TO THE COURTS 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 JUDICIAL PROCEEDINGS SUBJECT TO
12 THE PROVISIONS OF THIS SUBCHAPTER.

13 (D) FEE SCHEDULE.--THE COURT ADMINISTRATOR SHALL PRESCRIBE,
14 SUBJECT TO PERIODIC REVIEW, A SCHEDULE OF REASONABLE FEES FOR
15 SERVICES RENDERED BY CERTIFIED INTERPRETERS AND OTHERWISE
16 QUALIFIED INTERPRETERS USED IN JUDICIAL PROCEEDINGS.

17 (E) STANDARDS OF PROFESSIONAL CONDUCT.--

18 (1) THE COURT ADMINISTRATOR SHALL ESTABLISH AND ADOPT
19 STANDARDS FOR A CODE OF PROFESSIONAL CONDUCT FOR COURT
20 INTERPRETERS FOR PERSONS WHO ARE DEAF.

21 (2) THE COURT ADMINISTRATOR SHALL ESTABLISH, ADMINISTER
22 OR RECOMMEND A PROCESS TO REVIEW AND RESPOND TO ALLEGATIONS
23 OF VIOLATIONS OF THE CODE OF PROFESSIONAL CONDUCT FOR COURT
24 INTERPRETERS OF PERSONS WHO ARE DEAF, INCLUDING, BUT NOT
25 LIMITED TO, DECERTIFICATION AND OTHER DISCIPLINARY MEASURES.

26 § 4433. APPOINTMENT OF INTERPRETER.

27 (A) APPOINTMENT OF CERTIFIED INTERPRETER.--UPON REQUEST OR
28 SUA SPONTE, IF THE PRESIDING JUDICIAL OFFICER DETERMINES THAT A
29 PRINCIPAL PARTY IN INTEREST OR A WITNESS OR THE DEFENDANT OR
30 DIRECT VICTIM IN A CRIMINAL CASE IS DEAF, THEN A CERTIFIED

1 INTERPRETER SHALL BE APPOINTED, UNLESS THE CERTIFIED INTERPRETER
2 IS UNAVAILABLE AS PROVIDED IN SUBSECTION (B).

3 (B) APPOINTMENT OF OTHERWISE QUALIFIED INTERPRETER WHEN
4 CERTIFIED INTERPRETER IS UNAVAILABLE.--

5 (1) AN OTHERWISE QUALIFIED INTERPRETER SHALL BE
6 APPOINTED BY THE PRESIDING JUDICIAL OFFICER IF A GOOD FAITH
7 EFFORT WAS MADE TO OBTAIN A CERTIFIED INTERPRETER AND A
8 CERTIFIED INTERPRETER WAS NOT REASONABLY AVAILABLE, AS
9 DETERMINED BY THE PRESIDING JUDICIAL OFFICER.

10 (2) PRIOR TO THE APPOINTMENT OF THE OTHERWISE QUALIFIED
11 INTERPRETER, THE PRESIDING JUDICIAL OFFICER, PURSUANT TO
12 GENERAL RULE, SHALL STATE ON THE RECORD THAT A CERTIFIED
13 INTERPRETER IS NOT AVAILABLE AND THAT THE OTHERWISE QUALIFIED
14 INTERPRETER:

15 (I) IS READILY ABLE TO INTERPRET;

16 (II) IS CERTIFIED BY THE REGISTRY OF INTERPRETERS
17 FOR THE DEAF OR SIMILAR REGISTRY TO THE BEST OF THE
18 KNOWLEDGE OF THE PRESIDING JUDICIAL OFFICER; AND

19 (III) HAS READ, UNDERSTANDS AND AGREES TO ABIDE BY
20 THE CODE OF PROFESSIONAL CONDUCT FOR COURT INTERPRETERS
21 FOR PERSONS WHO ARE DEAF, AS ESTABLISHED BY THE COURT
22 ADMINISTRATOR.

23 (C) ADDITIONAL INTERPRETER.--AFTER CONSIDERATION OF THE
24 LENGTH OF THE JUDICIAL PROCEEDING, THE SPECIAL NEEDS OF THE
25 PERSON WHO IS DEAF, AND THE NUMBER OF PERSONS INVOLVED WHO ARE
26 DEAF, THE PRESIDING JUDICIAL OFFICER MAY APPOINT, AS PROVIDED IN
27 SUBSECTIONS (A) AND (B), AN ADDITIONAL INTERPRETER OR PROVIDE
28 FOR ADDITIONAL INTERPRETATION IN A MANNER DEEMED APPROPRIATE BY
29 THE PRESIDING JUDICIAL OFFICER.

30 (D) IMMEDIATE FAMILY.--THE PRESIDING JUDICIAL OFFICER MAY

1 APPOINT, AS PROVIDED IN SUBSECTIONS (A) AND (B), AN INTERPRETER
2 OR PROVIDE FOR ADDITIONAL INTERPRETATION, AS PROVIDED IN
3 SUBSECTION (C), FOR AN IMMEDIATE FAMILY MEMBER OF A PRINCIPAL
4 PARTY IN INTEREST.

5 § 4434. REPLACEMENT OF INTERPRETER.

6 PURSUANT TO GENERAL RULE, THE PRESIDING JUDICIAL OFFICER
7 SHALL DISMISS THE INTERPRETER AND OBTAIN THE SERVICES OF ANOTHER
8 INTERPRETER IN ACCORDANCE WITH THIS SUBCHAPTER, IF THE
9 INTERPRETER:

10 (1) FAILS TO FOLLOW THE STANDARDS PRESCRIBED BY LAW OR
11 BY THE CODE OF PROFESSIONAL CONDUCT FOR COURT INTERPRETERS
12 FOR PERSONS WHO ARE DEAF.

13 (2) IS UNABLE TO EFFECTIVELY COMMUNICATE WITH THE
14 PRESIDING JUDICIAL OFFICER OR THE PERSON WHO IS DEAF,
15 INCLUDING WHERE THE INTERPRETER SELF-REPORTS SUCH INABILITY.

16 § 4435. INTERROGATION.

17 UPON THE ARREST OF ANY PERSON WHO IS DEAF AND PRIOR TO
18 INTERROGATION THE ARRESTING OFFICER SHALL MAKE AVAILABLE TO THE
19 PERSON WHO IS DEAF AN INTERPRETER WHO SHALL BE PRESENT WITH THE
20 PERSON WHO IS DEAF THROUGHOUT THE INTERROGATION.

21 § 4436. OATH.

22 BEFORE COMMENCEMENT OF INTERPRETER DUTIES, AN INTERPRETER
23 APPOINTED UNDER THIS SUBCHAPTER SHALL TAKE AN OATH OR MAKE AN
24 AFFIRMATION ON THE RECORD THAT THE INTERPRETER WILL MAKE A TRUE
25 INTERPRETATION TO THE PERSON WHO IS DEAF IN A MANNER THAT THE
26 PERSON WHO IS DEAF UNDERSTANDS AND THAT THE INTERPRETER WILL
27 REPEAT THE STATEMENTS OF THE PERSON WHO IS DEAF TO THE COURT IN
28 ENGLISH TO THE BEST OF THE INTERPRETER'S SKILL AND JUDGMENT AND
29 IN ACCORDANCE WITH THE CODE OF PROFESSIONAL CONDUCT FOR COURT
30 INTERPRETERS FOR PERSONS WHO ARE DEAF.

1 § 4437. CONFIDENTIAL COMMUNICATIONS IN PRESENCE OF INTERPRETER.

2 AN INTERPRETER APPOINTED UNDER THIS SUBCHAPTER SHALL NOT BE
3 COMPELLED TO TESTIFY IN ANY JUDICIAL PROCEEDING OR
4 ADMINISTRATIVE PROCEEDING, TO ANY STATEMENTS MADE BY THE PERSON
5 WHO IS DEAF AND INTERPRETED BY THE INTERPRETER WHEN THE PERSON
6 WHO IS DEAF IS ENGAGED IN A CONFIDENTIAL COMMUNICATION AS
7 PROVIDED BY ANY STATUTE OR GENERAL RULE, INCLUDING, BUT NOT
8 LIMITED TO:

9 (1) SECTION 5916 (RELATING TO CONFIDENTIAL
10 COMMUNICATIONS TO ATTORNEY).

11 (2) SECTION 5928 (RELATING TO CONFIDENTIAL
12 COMMUNICATIONS TO ATTORNEY).

13 (3) SECTION 5942 (RELATING TO CONFIDENTIAL
14 COMMUNICATIONS TO NEWS REPORTERS).

15 (4) SECTION 5943 (RELATING TO CONFIDENTIAL
16 COMMUNICATIONS TO CLERGYMEN).

17 (5) SECTION 5944 (RELATING TO CONFIDENTIAL
18 COMMUNICATIONS TO PSYCHIATRISTS OR LICENSED PSYCHOLOGISTS).

19 (6) SECTION 5945 (RELATING TO CONFIDENTIAL COMMUNICATIONS
20 TO SCHOOL PERSONNEL).

21 (7) SECTION 5945.1 (RELATING TO CONFIDENTIAL
22 COMMUNICATIONS WITH SEXUAL ASSAULT COUNSELORS).

23 (8) SECTION 5945.2 (RELATING TO CONFIDENTIAL
24 COMMUNICATIONS TO CRIME STOPPER OR SIMILAR ANTICRIME
25 PROGRAM).

26 § 4438. COST OF PROVIDING INTERPRETER.

27 (A) GENERAL RULE.--EXCEPT AS PROVIDED BY GENERAL RULE AND IN
28 SUBSECTION (B), AN INTERPRETER APPOINTED IN ACCORDANCE WITH THIS
29 SUBCHAPTER IS ENTITLED TO A REASONABLE FEE FOR THE SERVICES OF
30 THE INTERPRETER AND SHALL BE REIMBURSED FOR ACTUAL AND

1 REASONABLE EXPENSES BY THE COUNTY THAT HAS JURISDICTION OVER THE
2 JUDICIAL PROCEEDING.

3 (B) PAYMENT DETERMINATION OF CERTAIN COSTS.--DISPOSITION OF
4 ALL OR PART OF THE COST OF PROVIDING AN INTERPRETER APPOINTED IN
5 ACCORDANCE WITH SECTION 4433(D) (RELATING TO APPOINTMENT OF
6 INTERPRETER) SHALL BE IN THE DISCRETION OF THE COURT THAT HAS
7 JURISDICTION OVER THE JUDICIAL PROCEEDING. IN NO EVENT SHALL THE
8 COST OF PROVIDING INTERPRETER SERVICES BE THE RESPONSIBILITY OF
9 THE PERSON WHO IS DEAF. IF THE PRINCIPAL PARTY IN INTEREST IS
10 INDIGENT, THEN THE COST OF PROVIDING INTERPRETER SERVICES SHALL
11 BE THE RESPONSIBILITY OF THE COUNTY OF THE COURT THAT HAS
12 JURISDICTION OVER THE JUDICIAL PROCEEDING. THE PRESIDING
13 JUDICIAL OFFICER MAY ORDER REIMBURSEMENT TO THE COUNTY FOR ITS
14 RESPONSIBILITIES UNDER THIS SUBCHAPTER.

15 § 4439. FUNDING.

16 EXCEPT AS PROVIDED IN SECTION 4438 (RELATING TO COST OF
17 PROVIDING INTERPRETER), THE GENERAL ASSEMBLY SHALL APPROPRIATE
18 TO THE COURT ADMINISTRATOR SUCH SUMS AS MAY BE NECESSARY TO
19 ESTABLISH A PROGRAM TO FACILITATE THE USE OF INTERPRETERS AND
20 OTHERWISE FULFILL THE PROVISIONS OF THIS SUBCHAPTER.
21 IMPLEMENTATION OF THIS SECTION IS CONTINGENT UPON THE
22 AVAILABILITY OF APPROPRIATED FUNDS TO CARRY OUT THE PURPOSES OF
23 THIS SECTION.

24 SECTION 5. SECTIONS 7103 AND 8701 OF TITLE 42 ARE REPEALED.

25 SECTION 6. THIS ACT SHALL TAKE EFFECT IN 60 DAYS.