SLS 24RS-131 ORIGINAL

2024 Regular Session

SENATE BILL NO. 103

BY SENATOR DUPLESSIS (On Recommendation of the Louisiana State Law Institute)

COURTS. Provides for the appointment of interpreters in court proceedings. (8/1/24)

1 AN ACT

2 To amend and reenact Code of Civil Procedure Art. 192.2, Code of Criminal Procedure Art. 25.1 and 433(A) and (C), and Code of Evidence Art. 604, and to enact Code of 3 Evidence Art. 604.1, relative to the appointment of interpreters in court proceedings; 4 5 to provide for the appointment of interpreters in civil proceedings; to provide for the appointment of interpreters in criminal proceedings; to provide for persons permitted 6 7 to be present at grand jury sessions; to provide for the qualifications of 8 court-appointed interpreters; to provide for recordation and retention of interpreted 9 communications; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

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Section 1. Code of Civil Procedure Art. 192.2 is hereby amended and reenacted to read as follows:

Art. 192.2. Appointment of interpreter for non-English-speaking persons

A. If a non-English-speaking person who is a principal party in interest or a witness in a proceeding before the court has requested that the court appoint an interpreter for the proceeding, a judge shall appoint, after consultation with the non-English-speaking person or his attorney, a competent interpreter to interpret or

1	to translate the proceedings to him and to interpret or translate his testimony an
2	interpreter in accordance with the Code of Evidence and the Rules of the
3	Louisiana Supreme Court.
4	B. Notwithstanding any other provision of law to the contrary, the court shall
5	order payment to the court-appointed interpreter for his services at a fixed
6	reasonable amount, and that amount shall be paid out of the appropriate court fund.
7	C. In a proceeding alleging abuse under in accordance with R.S. 46:2134 et
8	seq., an interpreter, if necessary, shall be appointed prior to a rule to show cause
9	hearing.
10	Section 2. Code of Criminal Procedure Arts. 25.1 and 433(A) and (C) are hereby
11	amended and reenacted to read as follows:
12	Art. 25.1. Appointment of interpreter for non-English-speaking persons
13	A. If a non-English-speaking person who is a principal party in interest or a
14	witness in a proceeding before the court has requested an interpreter, a judge shall
15	appoint, after consultation with the non-English-speaking person or his attorney, a
16	competent interpreter to interpret or to translate the proceedings to him and to
17	interpret or translate his testimony. The court shall appoint an interpreter in
18	accordance with the Code of Evidence and the Rules of the Louisiana Supreme
19	Court for any person who is a party or witness upon a determination that the
20	person is a limited English proficient or deaf individual.
21	B. The court shall order reimbursement to the interpreter for his services at
22	a fixed reasonable amount. The cost of providing a qualified court interpreter
23	shall be the responsibility of the court.
24	Comments – 2024
25 26 27	Rules regulating the use of interpreters in court proceedings and court operations are set forth in Part G, Section 14 of the Rules of the Louisiana Supreme Court and in Code of Evidence Articles 604 and 604.1.
28	* * *
29	Art. 433. Persons present during grand jury sessions
30	A.(1) Only the following persons may be present at the sessions of the grand

1	jury:
2	(a) The district attorney and assistant district attorneys or any one or more of
3	them;
4	(b) The attorney general and assistant attorneys general or any one or more
5	of them;.
6	(c) The witness under examination;
7	(d) A person sworn to record the proceedings of and the testimony given
8	before the grand jury; and.
9	(e) An interpreter sworn to translate the testimony of a witness who is unable
10	to speak the a limited English language proficient or deaf individual.
11	(2) An attorney for a target of the grand jury's investigation may be present
12	during the testimony of $\frac{\mathbf{the}}{\mathbf{e}}$ target. The attorney shall be prohibited from
13	objecting, addressing, or arguing before the grand jury; however, the attorney he
14	may consult with his client at anytime any time. The court shall remove such the
15	attorney for $\underline{\mathbf{a}}$ violation of these conditions. If a witness becomes a target because of
16	his testimony, the legal advisor to the grand jury shall inform him the witness of his
17	right to counsel and cease questioning until such the witness has obtained counsel
18	or voluntarily and intelligently waived his right to counsel. Any evidence or
19	testimony obtained under the provisions of this Subparagraph from a witness who
20	later becomes a target shall not be admissible in a proceeding against him.
21	* * *
22	C. A person who is intentionally present at a meeting of the grand jury,
23	except as authorized by Paragraph A of this article Article, shall be in constructive
24	contempt of court.
25	Section 3. Code of Evidence Art. 604 is hereby amended and reenacted and Code of
26	Evidence Art. 604.1 is hereby enacted to read as follows:
27	Art. 604. Interpreters
28	An interpreter is subject to the provisions of this Code and the Rules of the
29	Louisiana Supreme Court relating to qualification as an expert a court-appointed

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2	will make a true translation or interpretation.
3	Comments – 2024
4 5 6 7 8 9 10 11 12 13	The amendments to this Article make clear that the regulation and use of interpreters in court proceedings are set forth in the Rules of the Louisiana Supreme Court. The amendments also clarify that this Article applies to interpreters who are appointed by the court as officers of the court, as distinguished from interpreters who are retained by a party for the party's own purposes. In accordance with the Rules of the Louisiana Supreme Court, the amendment also observes the distinction between interpretation and translation. An interpretation involves hearing information spoken in one language and orally relaying the information to another in a manner that preserves the language's meaning. A translation consists of taking information that has been written in one language and conveying it in writing in another language while preserving the language's meaning.
14	Art. 604.1. Qualifications of interpreters; interpretations
15	A. If a party objects to the qualifications of any court-appointed
16	interpreter, the party or the party's attorney shall have the right to conduct a
17	voir dire examination of the interpreter.
18	B. If a qualified interpreter is not available for a court proceeding, upon
19	the consent of all parties, the court may appoint a person who the court and
20	parties agree will be able to accurately interpret the proceeding in a fair and
21	impartial manner. Before giving consent, the party or the party's attorney shall
22	have the right to conduct a voir dire examination of the interpreter.
23	C. Any party may object to the interpretation or translation of an
24	interpreter.
25	D. In all court proceedings in a court of record, interpreted
26	communications with the court shall be recorded in an audio or audiovisual
27	format. The recordings shall be retained by the court.
28	E. Nothing in this Article prevents any party from having its own
29	interpreter at any proceeding for the party's own purposes.
30	Comments – 2024
31 32 33 34 35	This Article is new and sets forth the procedure for objecting to the qualifications of a court-appointed interpreter and selecting an interpreter when a qualified interpreter is not available. This Article also provides for the recordation and retention of interpreted communications in all proceedings in a court of record and permits a party to have its own interpreter present at any proceeding for the party's own purposes.

<u>interpreter</u> and the administration of an oath or affirmation that he the interpreter

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Hanna Gettys.

DIGEST

SB 103Original

2024 Regular Session

Duplessis

<u>Present law</u> (C.C.P. Art. 192.2) provides for the appointment of a competent interpreter to interpret or translate court proceedings and the testimony of a non-English-speaking party or witness upon request.

<u>Proposed law</u> requires the appointment of an interpreter under <u>present law</u> to be made in accordance with the Code of Evidence and the Rules of the Louisiana Supreme Court and makes technical corrections.

<u>Present law</u> (C.Cr.P. Art. 25.1) provides for the appointment of a competent interpreter to interpret or translate court proceedings and the testimony of a non-English-speaking party or witness upon request.

<u>Proposed law</u> changes <u>present law</u> to require the appointment of an interpreter in accordance with the Code of Evidence and the Rules of the Supreme Court when a party is a limited English proficient or deaf individual.

<u>Present law</u> (C.Cr.P. Art. 433) sets forth the persons who are permitted to be present at grand jury sessions, including an interpreter translating the testimony of a witness who is unable to speak English.

<u>Proposed law</u> changes <u>present law</u> to use consistent terminology, expands its application to deaf individuals, and makes technical corrections.

<u>Present law</u> (C.E. Art. 604) provides that interpreters are subject to the provisions of the Code of Evidence relating to qualification as an expert.

<u>Proposed law</u> changes <u>present law</u> to subject interpreters to the Rules of the Louisiana Supreme Court, removes the reference to experts, and recognizes the distinction between interpretations and translations.

<u>Proposed law</u> provides for qualifications of court-appointed interpreters, voir dire examinations, exceptions and objections, and recordation and retention of interpreted communications.

Effective August 1, 2024.

(Amends C.C.P. Art. 192.2, C.Cr.P. Arts. 25.1 and 433(A) and (C), and C.E. Art. 604; adds C.E. Art. 604.1)