

1 ENGROSSED HOUSE  
2 BILL NO. 2378

By: Kannady of the House

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4 Seifried of the Senate

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8 An Act relating to civil procedure; amending 12 O.S.  
9 2021, Section 2503.1, which relates to the  
10 interpreter for the Deaf or Hard-of-Hearing  
11 Privilege; providing that interpreters for Limited  
12 English Proficient (LEP) persons; defining Limited  
13 English Proficient (LEP) person; expanding certain  
14 privileges; providing for when there is no privilege;  
15 and providing an effective date.

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

17 SECTION 1. AMENDATORY 12 O.S. 2021, Section 2503.1, is  
18 amended to read as follows:

19 Section 2503.1 A. As used in this section:

20 1. An "interpreter" is a qualified legal interpreter for the  
21 deaf or hard-of-hearing, as defined by Section 2408 of Title 63 of  
22 the Oklahoma Statutes, or a spoken language interpreter for a  
23 Limited English Proficient (LEP) person;

24 2. A "deaf or hard-of-hearing person" is a person whose sense  
of hearing is nonfunctional for the ordinary purposes of life; ~~and~~

1       3. A "Limited English Proficient (LEP) person" is a person who  
2 cannot speak or easily understand English; and

3       4. A communication is "confidential" if made privately and not  
4 intended for further disclosure except to other persons present in  
5 furtherance of the purpose of the communication.

6       B. A person has a privilege to refuse to disclose and to  
7 prevent an interpreter from disclosing such person's confidential  
8 communication made while such interpreter is acting in the capacity  
9 as an interpreter for persons who are deaf or hard-of-hearing or  
10 LEP.

11       C. The privilege may be claimed by the interpreter, by the LEP  
12 or deaf or hard-of-hearing person, by the guardian or conservator of  
13 the LEP or deaf or hard-of-hearing person, or by the personal  
14 representative of the LEP or deaf or hard-of-hearing person if the  
15 LEP or deaf or hard-of-hearing person is deceased.

16       D. An interpreter who is employed to interpret, transliterate  
17 or relay a conversation between a person who can hear and speak  
18 English and a LEP or deaf or hard-of-hearing person is a conduit for  
19 the conversation and may not disclose or be compelled to disclose,  
20 through reporting or testimony, or by judicial process or subpoena,  
21 the contents of a confidential communication.

22       E. There is no privilege pursuant to this section for  
23 communications:  
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1       1. If the services of the interpreter were sought or obtained  
2 to enable or aid anyone to commit or plan to commit what the LEP or  
3 deaf or hard-of-hearing person knew, or reasonably should have  
4 known, to be a crime or fraud or physical injury to the LEP or deaf  
5 or hard-of-hearing person or another individual;

6       2. In which the LEP or deaf or hard-of-hearing person has  
7 expressed an intent to engage in conduct likely to result in  
8 imminent death or serious bodily injury to the LEP or deaf or hard-  
9 of-hearing person or another individual;

10      3. Relevant to an issue in a proceeding challenging the  
11 competency of the interpreter;

12      4. Relevant to a breach of duty by the interpreter; or

13      5. That are subject to a duty to disclose under statutory law.

14      SECTION 2. This act shall become effective November 1, 2023.

15      Passed the House of Representatives the 22nd day of March, 2023.

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Presiding Officer of the House  
of Representatives

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Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2023.

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Presiding Officer of the Senate

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