

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   1st Session of the 59th Legislature (2023)

4 COMMITTEE SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 2411

By: Kannady

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9                                   COMMITTEE SUBSTITUTE

10                   An Act relating to legal interpreter for the deaf and  
11                   hard of hearing; amending 63 O.S. 2021, Section 2408,  
12                   which relates to definitions; clarifying definitions;  
13                   clarifying qualifications for interpreters; amending  
14                   63 O.S. 2021, Section 2409, which relates to  
15                   appointment of interpreter in court; narrowing when  
16                   an interpreter is appointed by a court; and providing  
17                   an effective date.

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

19                   SECTION 1.           AMENDATORY           63 O.S. 2021, Section 2408, is  
20 amended to read as follows:

21                   Section 2408. As used in the Oklahoma Legal Interpreter for the  
22 Deaf and Hard-of-Hearing Act:

23                   1. "Deaf person" or "hard-of-hearing person" means an  
24 individual whose sense of hearing is nonfunctional for the ordinary

1 purposes of life, and also may include a person who is deaf-blind,  
2 meaning a deaf or hard-of-hearing person whose vision is also  
3 nonfunctional for the ordinary purposes of life;

4 2. "Qualified legal interpreter" means:

5 a. an individual certified by the State Board of  
6 Examiners of Certified Courtroom Interpreters, or

7 b. (1) an individual who possesses the knowledge and  
8 skills necessary to accurately and impartially  
9 interpret spoken English into the equivalent  
10 visual languages and modes, and currently  
11 certified by the National Registry of  
12 Interpreters for the Deaf (RID) as one of the  
13 following:

14 (a) Specialist Certificate: Legal (SC:L). In  
15 the event none are available, then

16 (b) Another RID national certification,  
17 including, but not limited to, the National  
18 Interpreter Certification (NIC), Certificate  
19 of Interpretation and Certificate of  
20 Transliteration (CI & CT), or Comprehensive  
21 Skills Certificate (CSC), ~~or National~~  
22 ~~Association of the Deaf Certificate Level 5~~  
23 ~~(NAD5),~~

1 (2) an individual who possesses the knowledge and  
2 skills necessary to accurately and impartially  
3 transliterate for a person who is oral or  
4 nonsigning using the equivalent oral or captioned  
5 mode, and is currently certified by the National  
6 Registry of Interpreters for the Deaf as one of  
7 the following:

8 (a) ~~Specialist Certificate: Oral~~  
9 ~~Transliteration Certificate (OTC). In the~~  
10 ~~event none are available, then~~

11 ~~(b) Specialist Certificate: Legal (SC:L). In~~  
12 ~~the event none are available, then~~

13 ~~(c)~~

14 (b) Another RID national certification,  
15 including, but not limited to, the NIC,  
16 Certificate of Interpretation and  
17 Certificate of Transliteration (CI & CT), or  
18 Comprehensive Skills Certificate (CSC), ~~or~~  
19 ~~National Association of the Deaf Certificate~~  
20 ~~Level 5 (NAD5).~~

21 (c) In the event none are available, or at the  
22 request of the deaf individual, then a  
23 recognized national or state certifying body  
24

1 of captionists, or a court reporter who is  
2 able to provide real time captioning, or

3 (3) an individual who:

4 (a) is deaf or hard-of-hearing who possesses the  
5 knowledge, skills, specialized training and  
6 experience to enhance communication with  
7 persons who are deaf or hard-of-hearing and  
8 whose communication modes are so unique that  
9 they cannot be adequately assessed by  
10 interpreters who are hearing, and

11 (b) holds the following qualifications as a deaf  
12 interpreter: National Registry of  
13 Interpreters for the Deaf, Certified Deaf  
14 Interpreter (CDI); in the event none are  
15 available, then an Oklahoma QAST Deaf  
16 Evaluator may be utilized; and

17 3. "Appointing authority" means any court, department, board,  
18 commission, agency, licensing authority, political subdivision or  
19 municipality of the state.

20 SECTION 2. AMENDATORY 63 O.S. 2021, Section 2409, is  
21 amended to read as follows:

22 Section 2409. A. In any case before any state or local court  
23 or grand jury, wherein a person who is deaf or hard-of-hearing is a  
24 litigant, defendant, spectator as required by subtitle A of Title II

1 of the Americans with Disabilities Act, Pub. L. 101-336, witness,  
2 party, prospective juror, or juror, the court shall, upon request,  
3 appoint a qualified legal interpreter to interpret the proceedings  
4 to the deaf or hard-of-hearing person and interpret testimony or  
5 statements and to assist in preparation and communication with  
6 counsel within the context of the court proceeding. The court shall  
7 ~~also appoint a qualified legal interpreter, upon request, for any~~  
8 ~~party proceeding in forma pauperis in an action before the court~~ not  
9 be responsible for providing an interpreter for attorney-client  
10 communications which are not immediately ancillary to the court  
11 proceeding or for meetings at the private counsel's office. The  
12 individual who is deaf or hard-of-hearing shall determine which type  
13 of qualified legal interpreter or captioning best fits the needs of  
14 the individual.

15 B. Efforts to obtain the services of a qualified legal  
16 interpreter with the highest available level of certification, skill  
17 and specialized training in the area of legal interpretation for the  
18 deaf or hard-of-hearing will be made prior to accepting services of  
19 an interpreter with lesser certification and skill. Once a  
20 qualified legal interpreter is appointed, the interpreter shall be  
21 afforded the time necessary to make a language assessment in order  
22 to ensure effective communication, and to assess whether a deaf  
23 interpreter may also be necessary. Based on the language  
24 assessment, the interpreter will make recommendations to the court.

1 C. The provisions of this section shall be construed in  
2 conjunction with Sections ~~±~~ 1701 through ~~±~~ 1710 of ~~Senate Bill No.~~  
3 ~~779 of the 1st Session of the 50th Oklahoma Legislature, if that~~  
4 ~~bill is enacted~~ Title 20 of the Oklahoma Statutes.

5 SECTION 3. This act shall become effective November 1, 2023.

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7 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY - CIVIL, dated  
8 02/23/2023 - DO PASS, As Amended.  
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