

1 **SENATE FLOOR VERSION**

2 April 11, 2023

3 ENGROSSED HOUSE
4 BILL NO. 2378

By: Kannady of the House

and

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 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY
16 April 11, 2023 - DO PASS

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