

1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4

April 11, 2023

ENGROSSED HOUSE
BILL NO. 2411

By: Kannady of the House

and

Brooks of the Senate

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

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

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

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

1. "Deaf person" or "hard-of-hearing person" means an individual whose sense of hearing is nonfunctional for the ordinary purposes of life, and also may include a person who is deaf-blind, meaning a deaf or hard-of-hearing person whose vision is also nonfunctional for the ordinary purposes of life;

2. "Qualified legal interpreter" means:

- 1 a. an individual certified by the State Board of
2 Examiners of Certified Courtroom Interpreters, or
- 3 b. (1) an individual who possesses the knowledge and
4 skills necessary to accurately and impartially
5 interpret spoken English into the equivalent
6 visual languages and modes, and currently
7 certified by the National Registry of
8 Interpreters for the Deaf (RID) as one of the
9 following:
- 10 (a) Specialist Certificate: Legal (SC:L). In
11 the event none are available, then
- 12 (b) Another RID national certification,
13 including, but not limited to, the National
14 Interpreter Certification (NIC), Certificate
15 of Interpretation and Certificate of
16 Transliteration (CI & CT), or Comprehensive
17 Skills Certificate (CSC), ~~or National~~
18 ~~Association of the Deaf Certificate Level 5~~
19 ~~(NAD5),~~
- 20 (2) an individual who possesses the knowledge and
21 skills necessary to accurately and impartially
22 transliterate for a person who is oral or
23 nonsigning using the equivalent oral or captioned
24 mode, and is currently certified by the National

1 Registry of Interpreters for the Deaf as one of
2 the following:

3 ~~(a) Specialist Certificate: Oral~~
4 ~~Transliteration Certificate (OTC). In the~~
5 ~~event none are available, then~~

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

8 ~~(c)~~

9 (b) Another RID national certification,
10 including, but not limited to, the NIC,
11 Certificate of Interpretation and
12 Certificate of Transliteration (CI & CT), or
13 Comprehensive Skills Certificate (CSC), ~~or~~
14 National Association of the Deaf Certificate
15 Level 5 (NAD5).

16 (c) In the event none are available, or at the
17 request of the deaf individual, then a
18 recognized national or state certifying body
19 of captionists, or a court reporter who is
20 able to provide real time captioning, or

21 (3) an individual who:

22 (a) is deaf or hard-of-hearing who possesses the
23 knowledge, skills, specialized training and
24 experience to enhance communication with

1 persons who are deaf or hard-of-hearing and
2 whose communication modes are so unique that
3 they cannot be adequately assessed by
4 interpreters who are hearing, and

5 (b) holds the following qualifications as a deaf
6 interpreter: National Registry of
7 Interpreters for the Deaf, Certified Deaf
8 Interpreter (CDI); in the event none are
9 available, then an Oklahoma QAST Deaf
10 Evaluator may be utilized; and

11 3. "Appointing authority" means any court, department, board,
12 commission, agency, licensing authority, political subdivision or
13 municipality of the state.

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

16 Section 2409. A. In any case before any state or local court
17 or grand jury, wherein a person who is deaf or hard-of-hearing is a
18 litigant, defendant, spectator as required by subtitle A of Title II
19 of the Americans with Disabilities Act, Pub. L. 101-336, witness,
20 party, prospective juror, or juror, the court shall, upon request,
21 appoint a qualified legal interpreter to interpret the proceedings
22 to the deaf or hard-of-hearing person and interpret testimony or
23 statements and to assist in preparation and communication with
24 counsel within the context of the court proceeding. The court shall

1 ~~also appoint a qualified legal interpreter, upon request, for any~~
2 ~~party proceeding in forma pauperis in an action before the court not~~
3 ~~be responsible for providing an interpreter for attorney-client~~
4 ~~communications which are not immediately ancillary to the court~~
5 ~~proceeding or for meetings at the private counsel's office.~~ The
6 individual who is deaf or hard-of-hearing shall determine which type
7 of qualified legal interpreter or captioning best fits the needs of
8 the individual.

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

19 C. The provisions of this section shall be construed in
20 conjunction with Sections ~~±~~ 1701 through ~~±~~ 1710 of ~~Senate Bill No.~~
21 ~~779 of the 1st Session of the 50th Oklahoma Legislature, if that~~
22 ~~bill is enacted~~ Title 20 of the Oklahoma Statutes.

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

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