

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 HOUSE BILL 2378

By: Kannady

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5
6 AS INTRODUCED

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

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

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

18 Section 2503.1 A. As used in this section:

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

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

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

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

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

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

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

20 E. There is no privilege pursuant to this section for
21 communications:

22 1. If the services of the interpreter were sought or obtained
23 to enable or aid anyone to commit or plan to commit what the LEP or
24 deaf or hard-of-hearing person knew, or reasonably should have

1 known, to be a crime or fraud or physical injury to the LEP or deaf
2 or hard-of-hearing person or another individual;

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

7 3. Relevant to an issue in a proceeding challenging the
8 competency of the interpreter;

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

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

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

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