An Act

ENROLLED HOUSE
BILL NO. 2378

By: Kannady of the House

and

Seifried of the Senate

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

SUBJECT: Civil procedure

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

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

Section 2503.1 A. As used in this section:

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

2. A "deaf or hard-of-hearing person" is a person whose sense 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

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

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

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

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

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

1. If the services of the interpreter were sought or obtained to enable or aid anyone to commit or plan to commit what the LEP or deaf or hard-of-hearing person knew, or reasonably should have known, to be a crime or fraud or physical injury to the LEP or deaf or hard-of-hearing person or another individual;

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

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

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

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

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

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

Presiding Officer of the House
of Representatives

Passed the Senate the 19th day of April, 2023.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 20th
day of April, 2023, at 3:15 o'clock p. M.
By: Summer Curry

Approved by the Governor of the State of Oklahoma this 26th
day of April, 2023, at 1:28 o'clock p. M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 26th
day of April, 2023, at 2:41 o'clock P. M.
By: Brian Bingman