An Act

ENROLLED 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.

SUBJECT: Legal interpreter for the deaf and hard of hearing

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:

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

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

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

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

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

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

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

~~(c)~~

(b) Another RID national certification, including, but not limited to, the NIC, Certificate of Interpretation and Certificate of Transliteration (CI & CT), or Comprehensive Skills Certificate (CSC), ~~or~~

~~National Association of the Deaf Certificate Level 5 (NAD5).~~

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

(3) an individual who:

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

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

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

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

Section 2409. A. In any case before any state or local court or grand jury, wherein a person who is deaf or hard-of-hearing is a litigant, defendant, spectator as required by subtitle A of Title II of the Americans with Disabilities Act, Pub. L. 101-336, witness, party, prospective juror, or juror, the court shall, upon request, appoint a qualified legal interpreter to interpret the proceedings to the deaf or hard-of-hearing person and interpret testimony or statements and to assist in preparation and communication with counsel within the context of the court proceeding. The court shall ~~also appoint a qualified legal interpreter, upon request, for any party proceeding in forma pauperis in an action before the court~~ not be responsible for providing an interpreter for attorney-client

communications which are not immediately ancillary to the court proceeding or for meetings at the private counsel's office. The individual who is deaf or hard-of-hearing shall determine which type of qualified legal interpreter or captioning best fits the needs of the individual.

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

C. The provisions of this section shall be construed in conjunction with Sections ~~1~~ 1701 through ~~10~~ 1710 of ~~Senate Bill No. 779 of the 1st Session of the 50th Oklahoma Legislature, if that bill is enacted~~ Title 20 of the Oklahoma Statutes.

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

Passed the House of Representatives the 8th day of March, 2023.

Presiding Officer of the House
of Representatives

Passed the Senate the 25th day of April, 2023.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 26th

day of April, 20 23, at 2:36 o'clock p. M.

By: Jamie Curry

Approved by the Governor of the State of Oklahoma this 2nd

day of May, 20 23, at 11:31 o'clock a. M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 2nd

day of May, 20 23, at 1:01 o'clock p M.

By: Brian Bingman