

1 IN THE SENATE

BY SACKETT AND CROFT

2 SENATE BILL NO. 354

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 EIGHTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to bilingual judicial proceedings."

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8 \* Section 1. AS 22 is amended by adding a new chapter to read:

9 CHAPTER 35. BILINGUAL JUDICIAL PROCEEDINGS.

10 Sec. 22.35.010. JUDICIAL DETERMINATION OF NEED. When a judicial  
11 officer determines, upon motion made by a party to a proceeding before  
12 him, that (1) a party to the proceeding does not speak and understand  
13 the English language with reasonable facility or (2) in the course of  
14 the proceeding testimony may be presented by a person who does not  
15 speak and understand the English language, that proceeding shall be  
16 conducted with the equipment and facilities authorized by sec. 30 of  
17 this chapter. A proceeding or portion of the proceeding, including  
18 any translation relating to it, shall be recorded verbatim. A record-  
19 ing shall be made in addition to a stenographic transcript of the  
20 proceeding taken.

21 Sec. 22.35.020. TRANSLATION OF PROCEEDING. A party to the  
22 bilingual proceeding shall be entitled to utilize the services of the  
23 interpreter, certified under sec. 40 of this chapter, to provide a  
24 simultaneous translation of the entire proceeding to a party who does  
25 not speak and understand the English language and who speaks and  
26 understands a non-English language, or of a portion of the proceeding  
27 relating to the qualification and testimony, or to the translation  
28 of the document, from the non-English language to English and from  
29 English to the non-English language.

1           Sec. 22.35.030. PAYMENT FOR SERVICE. The party utilizing the  
2 services of a certified interpreter provided under this chapter shall  
3 pay for the cost of the services in accordance with the schedule of  
4 fees prescribed under sec. 40 of this chapter, except that

5           (1) if the services of an interpreter are utilized by  
6 more than one party to the proceeding, the cost shall be apportioned  
7 as the parties may agree, or, if those parties are unable to agree,  
8 as the court may determine;

9           (2) if the state, including a department, agency, instru-  
10 mentality, or officer or employee of it, is a party utilizing the  
11 services of an interpreter, the cost or apportioned cost to the state  
12 shall be paid by the state;

13           (3) if the services of an interpreter are utilized by a  
14 party determined by the court to be an indigent, the cost or apportioned  
15 cost to the party shall be paid by the state.

16           Sec. 22.35.040. INTERPRETERS AND INTERPRETING EQUIPMENT. The  
17 administrative director of courts shall

18           (1) prescribe, determine, and certify, for each judicial  
19 district, the qualifications of persons to serve as interpreters in  
20 bilingual proceedings who have a capacity

21           (A) for accurate speech and comprehension of speech  
22 in the English language and in the non-English language, and

23           (B) for the simultaneous translation from either  
24 language to the other;

25           (2) prescribe from time to time a schedule of reasonable  
26 fees for services rendered by the interpreters;

27           (3) provide in each judicial district appropriate equipment  
28 and facilities for

29           (A) the recording of proceedings before that court, and

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(B) the simultaneous language translation of proceedings  
in the court.