

Introduced: 2/14/78
Referred: Judiciary and
Finance

1 IN THE HOUSE

BY MEEKINS AND PHILLIPS

CS HOUSE BILL NO. 837 *AM*

2
3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to interpreters for handicapped per-
7 sons in civil or criminal litigation or administrative
8 proceedings; and providing for an effective date."

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

10 * Section 1. AS 09.65 is amended by adding new sections to read:

11 Sec. 09.65.110. HANDICAPPED PERSON. (a) When a witness or a
12 party in a civil or criminal proceeding is a handicapped person, the
13 court shall appoint a qualified interpreter, unless the handicapped
14 person knowingly and voluntarily files a statement with the court indi-
15 cating that he does not desire the court to appoint a qualified inter-
16 preter for him.

17 (b) The fees and expenses of an interpreter appointed under (a) of
18 this section shall be set in accordance with Rule 83 of the Rules of
19 Civil Procedure. In a criminal proceeding the state or the municipality
20 shall pay the fees and expenses of a qualified interpreter for the
21 defendant or his witness if

22 (1) the defendant makes a verified statement and provides
23 other information in writing under oath showing his inability to obtain
24 a qualified interpreter, and provides any other information required by
25 the court concerning his inability to obtain such an interpreter; and

26 (2) it appears to the court that the defendant is without
27 means and is unable to obtain a qualified interpreter.

28 (c) The party requiring the services of a qualified interpreter
29 for himself or his witness in a civil proceeding shall pay the inter-

1 preter's fees and expenses.

2 (d) As used in this section,

3 (1) "handicapped person" means a person who cannot readily
4 understand or communicate in the English language or cannot understand
5 the proceedings because he is deaf or because he has a physical hearing
6 impairment or physical speaking impairment;

7 (2) "qualified interpreter" means a person who is readily
8 able to communicate with the handicapped person, translate the proceed-
9 ings for him, and accurately repeat and translate the statements of the
10 handicapped person to the court.

11 * Sec. 2. AS 12.25 is amended by adding a new section to read:

12 Sec. 12.25.145. HANDICAPPED PERSON. (a) Upon the arrest of a
13 handicapped person and before interrogating or taking the statement of
14 the handicapped person, the arresting officer, or when the arrest is by
15 a private person, the officer to whom the handicapped person is de-
16 livered, shall make available to the handicapped person, before an
17 interrogation or the taking of a statement, a qualified interpreter to
18 assist the handicapped person throughout the interrogation or taking of
19 a statement. The state or, if the arrest is made by a municipality, the
20 municipality shall pay the fees and expenses of the qualified inter-
21 preter if

22 (1) the handicapped person, after the arrest, makes a veri-
23 fied statement and provides other information in writing under oath
24 showing his inability to obtain a qualified interpreter, and provides
25 any other information required by the court having jurisdiction over the
26 offense for which the handicapped person was arrested concerning his
27 ability to obtain such an interpreter; and

28 (2) it appears to the court that the handicapped person was
29 without means and was unable to obtain a qualified interpreter.

1 (b) As used in this section,

2 (1) "handicapped person" means a person who cannot readily
3 understand or communicate in the English language, or cannot understand
4 the proceedings or a charge made against him, or is incapable of pre-
5 senting or assisting in the presentation of his defense, because he is
6 deaf or because he has a physical hearing impairment or physical speak-
7 ing impairment;

8 (2) "qualified interpreter" means a person who is readily
9 able to communicate with the handicapped person, translate the pro-
10 ceedings for him, and accurately repeat and translate the statements of
11 the handicapped person to the officer or other person.

12 * Sec. 3. AS 44.62 is amended by adding a new section to read:

13 Sec. 44.62.635. HANDICAPPED PERSON. (a) When a handicapped
14 person is a party to a proceeding before an agency, he is entitled to a
15 qualified interpreter to interpret the proceedings to the handicapped
16 person and to interpret the testimony of the handicapped person to the
17 agency.

18 (b) Except as provided in (c) of this section, the agency shall
19 appoint the qualified interpreter for the handicapped person, and the
20 agency shall fix and pay the fees and expenses of the qualified inter-
21 preter if

22 (1) the handicapped person makes a verified statement and
23 provides other information in writing under oath showing his inability
24 to obtain a qualified interpreter, and provides any other information
25 required by the agency concerning his inability to obtain such an inter-
26 preter; and

27 (2) it appears to the agency that the handicapped person is
28 without means and is unable to obtain a qualified interpreter.

29 (c) If the handicapped person knowingly and voluntarily files with

1 the agency a written statement that he does not desire a qualified
2 interpreter to be appointed for him, the agency shall not appoint such
3 an interpreter for the handicapped person.

4 (d) As used in this section,

5 (1) "handicapped person" means a person who cannot readily
6 understand or communicate the English language, or cannot understand the
7 proceedings or a charge made against him, or is incapable of presenting
8 or assisting in the presentation of his defense, because he is deaf or
9 because he has a physical hearing impairment or physical speaking im-
10 pairment;

11 (2) "qualified interpreter" means a person who is readily
12 able to communicate with the handicapped person, translate the proceed-
13 ings for him, and accurately repeat and translate the statements of the
14 handicapped person to the agency.

15 * Sec. 4. This Act does not apply to arrests made or actions, suits or
16 proceedings begun before the effective date of this Act.

17 * Sec. 5. This Act takes effect July 1, 1978.