

Original sponsors: Meekins and Phillips

Offered: 5/8/78
Referred: Finance

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 837

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 deaf persons in
7 civil or criminal litigation or administrative pro-
8 ceedings; 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. DEAF PERSONS. (a) When a witness or a party in a
12 civil or criminal proceeding is a deaf person, the court shall appoint a
13 qualified interpreter, unless the deaf person knowingly and voluntarily
14 files a statement with the court indicating that he does not desire the
15 court to appoint a qualified interpreter for him.

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

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

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

27 (c) The party requiring the services of a qualified interpreter
28 for himself or his witness in a civil proceeding shall pay the inter-
29 preter's fees and expenses.

1 (d) As used in this section,

2 (1) "deaf person" means a person who, because he is deaf or
3 because he has a physical hearing impairment or physical speaking im-
4 pairment, cannot readily understand or communicate in the English langu-
5 age or cannot understand the proceedings;

6 (2) "qualified interpreter" means a person who is readily
7 able to communicate with the deaf person, translate the proceedings for
8 him, and accurately repeat and translate the statements of the deaf
9 person to the court.

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

11 Sec. 12.25.145. DEAF PERSONS. (a) Upon the arrest of a deaf
12 person and before interrogating or taking the statement of the deaf
13 person, the arresting officer, or when the arrest is by a private per-
14 son, the officer to whom the deaf person is delivered, shall make avail-
15 able to the deaf person, before an interrogation or the taking of a
16 statement, a qualified interpreter to assist the deaf person throughout
17 the interrogation or taking of a statement. The state or, if the arrest
18 is made by a municipality, the municipality shall pay the fees and
19 expenses of the qualified interpreter.

20 (b) As used in this section,

21 (1) "deaf person" means a person who, because he is deaf or
22 because he has a physical hearing impairment or physical speaking im-
23 pairment, cannot readily understand or communicate in the English langu-
24 age, or cannot understand the proceedings or a charge made against him,
25 or is incapable of presenting or assisting in the presentation of his
26 defense;

27 (2) "qualified interpreter" means a person who is readily
28 able to communicate with the deaf person, translate the proceedings for
29 him, and accurately repeat and translate the statements of the deaf

1 person to the officer or other person.

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

3 Sec. 44.62.635. DEAF PERSONS. (a) When a deaf person is a party
4 to a proceeding before an agency, he is entitled to a qualified inter-
5 preter to interpret the proceedings to the deaf person and to interpret
6 the testimony of the deaf person to the agency.

7 (b) Except as provided in (c) of this section, the agency shall
8 appoint the qualified interpreter for the deaf person, and the agency
9 shall fix and pay the fees and expenses of the qualified interpreter.

10 (c) If the deaf person knowingly and voluntarily files with the
11 agency a written statement that he does not desire a qualified inter-
12 preter to be appointed for him, the agency shall not appoint such an
13 interpreter for the deaf person.

14 (d) As used in this section,

15 (1) "deaf person" means a person who, because he is deaf or
16 because he has a physical hearing impairment or physical speaking im-
17 pairment, cannot readily understand or communicate the English language,
18 or cannot understand the proceedings or a charge made against him, or is
19 incapable of presenting or assisting in the presentation of his defense;

20 (2) "qualified interpreter" means a person who is readily
21 able to communicate with the deaf person, translate the proceedings for
22 him, and accurately repeat and translate the statements of the deaf
23 person to the agency.

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

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