

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 am

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.

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

24 (d) As used in this section,

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

29 (2) "qualified interpreter" means a person who is readily

1 able to communicate with the deaf person, translate the proceedings for  
2 him, and accurately repeat and translate the statements of the deaf  
3 person to the court.

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

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

14 (b) 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 in the English langu-  
18 age, or cannot understand the proceedings or a charge made against him,  
19 or is incapable of presenting or assisting in the presentation of his  
20 defense;

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

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

26 Sec. 44.62.635. DEAF PERSONS. (a) When a deaf person is a party  
27 to a proceeding before an agency, he is entitled to a qualified inter-  
28 preter to interpret the proceedings to the deaf person and to interpret  
29 the testimony of the deaf person to the agency.

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

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

8 (d) As used in this section,

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

14 (2) "qualified interpreter" means a person who is readily  
15 able to communicate with the deaf person, translate the proceedings for  
16 him, and accurately repeat and translate the statements of the deaf  
17 person to the agency.

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

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

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