

Offered: 4/26/89  
Referred: Finance

6-0112H

Original sponsors: Duncan, Sturgulewski,  
Kerttula, and Binkley

1 IN THE SENATE BY THE JUDICIARY COMMITTEE  
2 CS FOR SENATE BILL NO. 52 (Judiciary)  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 SIXTEENTH LEGISLATURE - FIRST SESSION  
5 A BILL  
6 For an Act entitled: "An Act relating to the use of interpreters in crimi-  
7 nal proceedings."  
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:  
9 \* Section 1. AS 12.80 is amended by adding a new section to read:  
10 Sec. 12.80.060. RIGHT TO AN INTERPRETER. (a) A person who  
11 cannot readily understand or communicate the spoken English language  
12 who is charged with or convicted of a crime has a right to the servi-  
13 ces of a qualified interpreter to assist  
14 (1) in the person's defense throughout proceedings under  
15 this title; and  
16 (2) in the completion of documents required by or related  
17 to proceedings under this title.  
18 (b) When a person who is charged with or convicted of a crime  
19 represents to a court an inability to understand or communicate the  
20 spoken English language, or to read and understand documents that the  
21 person is required to sign, in the absence of a waiver provided by the  
22 person, the court shall appoint a qualified interpreter to assist the  
23 person throughout the proceedings.  
24 (c) When a witness other than the defendant in a proceeding  
25 under this title does not understand and speak the English language,  
26 the court shall appoint a qualified interpreter to interpret for the  
27 witness while the witness is testifying.  
28 (d) The person accused of a crime may waive the right granted  
29 under (a) of this section only if

- 1           (1) the court obtains a written waiver from the person;  
2           (2) counsel, if any, consents; and  
3           (3) the court determines that the waiver has been made  
4 knowingly, voluntarily, and intelligently.

5           (e) The cost of providing the interpreter shall be borne accord-  
6 ing to applicable court rule.

7           (f) A qualified interpreter may not, without the written consent  
8 of the parties to the communication, be examined about

9           (1) any communication the interpreter interprets under  
10 circumstances in which the communication is privileged; or

11           (2) any information the interpreter obtains while inter-  
12 preting pertaining to any proceeding then pending.