

2001 DRAFTING REQUEST**Senate Amendment (SA-SSA1-SB55)**

Received: 06/15/2001

Received By: nelsorp1

Wanted: As time permits

Identical to LRB:

For: Senate Democratic Caucus

By/Representing: Keckhaver

This file may be shown to any legislator: NO

Drafter: nelsorp1

May Contact:

Addl. Drafters:

Subject: Courts - costs and fees
Courts - courts/judges

Extra Copies:

Submit via email: NO

Requester's email:

Pre Topic:

SDC:.....Keckhaver - CN4520,

Topic:

Court interpreter position and money for the director of state courts and increase court interpreter fees

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	nelsorp1 06/17/2001	wjackson 06/17/2001		_____			
/1			kfollet 06/18/2001	_____	lrb_docadmin 06/18/2001		
/2	nelsorp1 06/19/2001	wjackson 06/19/2001	pgreensl 06/19/2001	_____	lrb_docadmin 06/19/2001		
/3	nelsorp1 06/19/2001	wjackson 06/19/2001	rschluet 06/19/2001	_____	lrb_docadmin 06/19/2001		

FE Sent For:

<END>

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/2	nelsorp1 06/19/2001	wjackson 06/19/2001	pgreensl 06/19/2001	_____	lrb_docadmin 06/19/2001		

13 WJ 6/19

Handwritten initials and date: 6-19-1

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

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/1		1/2 Wlj 6/19	kfollet 06/18/2001	_____	lrb_docadmin 06/18/2001		

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9/9
PG

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By/Representing: **Keckhaver**

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Drafter: **nelsorp1**

May Contact:

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Subject: **Courts - costs and fees
Courts - courts/judges**

Extra Copies:

Submit via email: **NO**

Requester's email:

Pre Topic:

SDC:.....Keckhaver - CN4520,

Topic:

see 0094 2 b 0207

Court interpreter position and money for the director of state courts and increase court interpreter fees

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	nelsorp1		<i>6/18</i>	<i>6/18</i>			

FE Sent For:

<END>

Agency: Circuit Courts

caucus number 4520

duplicate flag: y
duplicate with: 5524;2714;6511;
4520;9508

Other reference numbers:

LFB Sum #:

FM 451

bill number/amendment number:

LRB draft #

LRB P-draft:

description: Support Court Interpreter motion 451 (Huber)

other notes Failed in JFC (8-8)

drafting instructions:

more instructions:

GPR: \$554,800.00

PR: \$0.00

SEG: \$0.00

Other:

FED: \$0.00

TANF: \$0.00

All Funds: \$0.00

GPR-REV: \$0.00

SEG-REV: \$0.00

PR-REV: \$0.00

no fiscal impact:

unknown impact:

APN

caucus number 7522

duplicate flag:

Other reference numbers:

LFB Sum #:

duplicate with:

bill number/amendment number: 1999 SB 120

LRB draft #

LRB P-draft:

description: Requires the Director of State Courts to provide a prison impact assessment for any bill or bill draft that creates a felony.

other notes This motion would impact DOC, Office of Justice Assistance, DOA and Circuit Courts.

drafting instructions:

more instructions:

GPR: \$250,000.00

PR: \$0.00

SEG: \$0.00

Other:

FED: \$0.00

TANF: \$0.00

All Funds: \$0.00

GPR-REV: \$0.00

SEG-REV: \$0.00

PR-REV: \$0.00

no fiscal impact:

unknown impact:

Agency: Circuit Courts

Number of Amendments: 2

RPN

COURT INTERPRETERS

Move to provide (a) \$97,800 GPR in 2001-02 and \$100,800 GPR in 2002-03 and 1.0 two-year project interpreter coordinator position annually to the Supreme Court's Director of State Courts Office to develop a court interpreter certification and education and training program; (b) \$356,200 GPR in 2002-03 to increase the reimbursement rate to counties for interpreter services from \$35 per half day to \$30 for the first hour and \$15 for each additional 0.5 hour for qualified interpreters and \$40 for the first hour and \$20 for each additional 0.5 hour for certified interpreters; and (c) makes several statutory modifications concerning court interpreters.

CN
4500

LOCATION/STATUS: Finance Motion #451
Failed 8-8

DEPARTMENT(S): Circuit Courts

FISCAL IMPACT:	<u>2001-02</u>	<u>2002-03</u>	
	\$97,800	\$457,000	0.1 GPR position

FUNDING SOURCE(S): GPR

INTRODUCTION: SDC

POLITICAL: -

thewheelerreport.com
Online supplement to The Wheeler Report
Published by: Wheeler Reports, Inc. - 111 W. Wilson St. #401 - Madison, WI 53703
E-Mail: wheeler@thewheelerreport.com

This Roll Call is unofficial.
The vote recorded by the Committee Clerk is the vote of record.

Date:	5/9/01							
Bill:	SB-55.							
Agency:	Circuit Courts							
Abbreviation:								
Topic:	Court interpreters							
Motion By:	Huber							
Second By:	Burke							
To:	Adopt Motion 451							
Vote:	8-8							
Link To:	Motion 451							
Roll Call:								
Senators	Burke	Decker	Moore	Shibilski	Plache	Wirch	Darling	Welch
	Y	Y	Y	Y	Y	Y	N	N
Representatives	Gard	Kaufert	Albers	Duff	Ward	Huebsch	Huber	Coggs
	N	N	N	N	N	N	Y	Y

CIRCUIT COURTS

Court Interpreters

[LFB Paper 275 Substitute Alternative]

Motion:

1. Move to provide: (a) \$97,800 GPR in 2001-02 and \$100,800 GPR in 2002-03 and 1.0 two-year project interpreter coordinator position annually to the Supreme Court's Director of State Courts Office to develop a court interpreter certification and education and training program; (b) \$356,200 GPR in 2002-03 to increase the reimbursement rate to counties for interpreter services from \$35 per half day to \$30 for the first hour and \$15 for each additional 0.5 hour for qualified interpreters and \$40 for the first hour and \$20 for each additional 0.5 hour for certified interpreters; and (c) make the following modifications to the bill's statutory provisions concerning court interpreters:

(1) Delete the request to the Supreme Court to cooperate with the technical college system board in the development and implementation of a curriculum and testing program for training qualified interpreters.

(2) Delete the application of the "limited English proficiency" standard in municipal court and state agency administrative contested case proceedings.

(3) Provide no definition of "qualified interpreter" in municipal court and state agency administrative contested case proceedings.

(4) Provide that the Director of State Courts reimburse counties up to four times each year for court interpreter costs. Require counties to submit, on forms provided by the Director of State Courts, an accounting of the amount paid for expenses related to court interpreters that are eligible for reimbursement by the state. Require the form to include expenses for the preceding three-month period and be submitted within 90 days after that three-month period ended. Do not permit the Director of State Courts to reimburse a county for any expenses related to court interpreters that would be submitted after the 90-day period had ended.

(5) Provide that the additional uses of qualified interpreters by the clerks of circuit court permitted by the bill qualify for state reimbursement.

(6) Provide that a court may appoint multiple qualified court interpreters and that their cost is reimbursable by the state to the extent provided otherwise, so long as the appointments are

necessary.

(7) Provide that the following parties would qualify, if the other conditions were met, for a qualified interpreter: (a) a party in interest; (b) a witness, while testifying in a court proceeding; (c) an alleged victim; (d) a parent or legal guardian of a minor party in interest or the legal guardian of a party in interest; and (e) another party affected by the action, as deemed necessary and appropriate by the court.

(8) Provide that the reimbursement fee of interpreters attending before the Court of Appeals or Supreme Court would be determined by the Supreme Court.

(9) Specifically require the appointment of qualified interpreters for persons with limited English proficiency in the context of circuit and appellate courts to permit their service on a jury panel.

Note:

This motion includes the provisions of Alternative 3 in Paper 275, as modified to delete: (a) expansion of interpreter reimbursement to all civil proceedings in circuit and appellate court and to all persons regardless of indigency; (b) the provision that the state reimbursement rate for interpreters be adjusted yearly to reflect the changes in the consumer price index; (c) the provision tying the reimbursement for interpreter mileage to the mileage reimbursement rate set for state officers and employees by statute; and (d) the provision that would have deleted Department of Health and Family Services funding for interpreters for hearing-impaired persons in civil court proceedings, and for legal services not covered by the expanded court interpreter provisions.

[Change to Bill: \$554,800 GPR and 1.0 GPR position]

2001

Date (time) needed

5009

D-Note

LRB b 0995 1 1

AMDT TO BUDGET SUB AMDT

RPN: Wlj:

See form AMENDMENTS — COMPONENTS & ITEMS.

SENATE AMENDMENT
~~TO SENATE AMENDMENT~~
TO SENATE SUBSTITUTE AMENDMENT 1,
TO 2001 SENATE BILL 55

At the locations indicated, amend the substitute amendment [amendment] as follows:

#. Page , line :

#. Page , line :

#. Page , line :

#. Page , line :

#. Page , line :

#. Page , line :

**SENATE AMENDMENT ,
TO 2001 SENATE BILL 55**

1 At the locations indicated, amend the bill as follows:

(2) 1. Page ~~450~~²⁷⁰, line ~~8~~³: increase the dollar amount for fiscal year 2002-03 by
356,200
(3) ~~692,400~~ to increase funding for the purpose for which the appropriation is made.

(4) 2. Page ~~452~~²⁷¹, line ~~8~~¹³: increase the dollar amount for fiscal year 2001-02 by
5 \$97,800 and increase the dollar amount for fiscal year 2002-03 by \$100,800 to
6 increase funding for the purpose of providing training and testing of court
7 interpreters.

(8) 3. Page ~~502~~⁴⁰⁶, line ~~8~~⁵: after that line insert:
9 "SECTION 926m. 20.625 (1) (c) of the statutes is amended to read:
10 20.625 (1) (c) *Court interpreter fees*. The amounts in the schedule to pay
11 interpreter fees reimbursed under s. 885.37 (4) (a) 2. 758.19 (8)."

(12) 4. Page ~~460~~⁵⁶⁹, line ~~14~~²³: after that line insert:
13 "SECTION 1553m. 46.295 (2) (c) of the statutes is amended to read:

1 46.295 (2) (c) Legal services and civil court proceedings, excluding those
2 services covered under s. 885.38 for which reimbursement is provided under s.
3 758.19 (8).”

4 5. Page ¹¹⁸⁵~~1620~~, line ⁶~~7~~: after that line insert:

5 “SECTION 3781d. 758.19 (8) of the statutes is created to read:

6 758.19 (8) (a) From the appropriation under s. 20.625 (1) (c), the director of
7 state courts shall reimburse counties up to 4 times each year for the actual expenses
8 paid for interpreters required by circuit courts to assist persons with limited English
9 proficiency under s. 885.38 (8) (a) 1. The amount of the reimbursement for mileage
10 shall be an amount equal to the mileage rate that is set under s. 20.916 (8). The
11 amount of the maximum hourly reimbursement for court interpreters shall be as
12 follows:

13 1. Forty dollars for the first hour and \$20 for each additional 0.5 hour for
14 qualified interpreters certified under the requirements and procedures approved by
15 the supreme court.

16 2. Thirty dollars for the first hour and \$15 for each additional 0.5 hour for
17 qualified interpreters, as defined in s. 885.38 (1) (c).

18 (b) To receive reimbursement under par. (a), a county must submit, on forms
19 provided by the director of state courts, an accounting of the amount paid for
20 expenses related to court interpreters that are eligible for reimbursement under par.

21 (a). The forms must include expenses for the preceding 3-month period and must
22 be submitted within 90 days after that 3-month period has ended. The director of
23 state courts may not reimburse a county for any expenses related to court
24 interpreters that are submitted after the 90-day period has ended. If moneys are

1 insufficient to pay the full reimbursement to the counties, the director of state courts
2 may prorate the payments. Reimbursement under par. (a) first applies to court
3 interpreter expenses incurred on the effective date of this paragraph [revisor
4 inserts date].

5 (c) On June 30, 2003, and on each June 30 thereafter, the director of state courts
6 shall adjust the maximum hourly reimbursement to counties for fees paid for court
7 interpreters under par. (a) to reflect the changes in the consumer price index for all
8 urban consumers, U.S. city average, as determined by the U.S. department of labor,
9 with the adjusted limit to apply to interpreter services provided subsequent to the
10 adjustments.”.

*delete lines 14 and 15
and substitute*

LPS:
Please
fix
component

11 **6.** Page ¹²⁰⁸ ~~1634~~, line ¹⁴ ~~8~~: ~~after that line insert~~

12 “SECTION 3836d. 814.67 (1) (am) of the statutes is created to read:

13 814.67 (1) (am) For witnesses attending before a circuit court, \$16 per day.

14 SECTION 3836f. 814.67 (1) (b) (intro.) of the statutes is amended to read:

15 814.67 (1) (b) (intro.) For attending before ~~any other court~~ the court of appeals
16 or the supreme court:

17 SECTION 3836g. 814.67 (1) (b) 2. of the statutes is amended to read:

18 814.67 (1) (b) 2. For interpreters, \$35 per ~~one-half day~~ a fee determined by the
19 supreme court.

20 SECTION 3836h. 814.67 (1) (c) of the statutes is amended to read:

21 814.67 (1) (c) For traveling, at the ~~rate of 20 cents~~ mileage rate equal to the rate
22 that is set under s. 20.916 (8), per mile going and returning from his or her residence
23 if within the state; or, if without the state, from the point where he or she crosses the

1 state boundary to the place of attendance, and returning by the usually traveled
2 route between such points.”.

(3) 7. Page ¹²⁴ ~~124~~⁹, line ~~7~~⁹: delete the material beginning with that line and ending
4 with page ¹²⁴ ~~122~~¹⁵, line ~~4~~⁴, and substitute:

5 “SECTION 3852d. 885.37 (title) of the statutes is amended to read:

6 **885.37 (title) ~~Interpreters for persons with language difficulties or~~**
7 **~~hearing or speaking impairments in municipal courts and administrative~~**
8 **agency contested cases.**

9 SECTION 3852g. 885.37 (1) (a) of the statutes is repealed.

10 SECTION 3852m. 885.37 (1) (b) of the statutes is amended to read:

11 885.37 (1) (b) If a municipal court has notice that a person who ~~fits any of the~~
12 ~~criteria under par. (a) is a juvenile or parent subject to ch. 938, or who is a witness~~
13 in a proceeding under ch. 938, has a language difficulty because of the inability to
14 speak or understand English, has a hearing impairment, is unable to speak or has
15 a speech defect, the court shall make a factual determination of whether the
16 language difficulty or the hearing or speaking impairment is sufficient to prevent the
17 individual from communicating with his or her attorney, reasonably understanding
18 the English testimony or reasonably being understood in English. If the court
19 determines that an interpreter is necessary, the court shall advise the person that
20 he or she has a right to a qualified interpreter and that, if the person cannot afford
21 one, an interpreter will be provided for him or her at the public’s expense. Any waiver
22 of the right to an interpreter is effective only if made voluntarily in person, in open
23 court and on the record.

24 SECTION 3852r. 885.37 (2) of the statutes is amended to read:

1 885.37 (2) A municipal court may authorize the use of an interpreter in actions
2 or proceedings in addition to those specified in sub. (1) (b).

3 **SECTION 3853g.** 885.37 (4) (a) of the statutes is repealed and recreated to read:

4 885.37 (4) (a) The necessary expense of furnishing an interpreter for an
5 indigent person in a municipal court shall be paid by the municipality.

6 **SECTION 3853m.** 885.37 (5) (a) of the statutes is amended to read:

7 885.37 (5) (a) If a municipal court under sub. (1) (b) or (2) or an agency under
8 sub. (3) decides to appoint an interpreter, the court or agency shall follow the
9 applicable procedure under par. (b) or (c).

10 **SECTION 3860m.** 885.38 of the statutes is created to read:

11 **885.38 Interpreters in circuit and appellate courts.** (1) In this section:

12 (a) “Court proceeding” means any proceeding before a court of record.

13 (b) “Limited English proficiency” means any of the following:

14 1. The inability, because of the use of a language other than English, to
15 adequately understand or communicate effectively in English in a court proceeding.

16 2. The inability, due to a speech impairment, hearing loss, deafness,
17 deaf-blindness, or other disability, to adequately hear, understand, or communicate
18 effectively in English in a court proceeding.

19 (c) “Qualified interpreter” means a person who is able to do all of the following:

20 1. Readily communicate with a person who has limited English proficiency.

21 2. Orally transfer the meaning of statements to and from English and the
22 language spoken by a person who has limited English proficiency in the context of
23 a court proceeding.

24 3. Readily and accurately interpret for a person who has limited English
25 proficiency, without omissions or additions, in a manner that conserves the meaning,

1 tone, and style of the original statement, including dialect, slang, and specialized
2 vocabulary.

3 (2) The supreme court shall establish the procedures and policies for the
4 recruitment, training, and certification of persons to act as qualified interpreters in
5 a court proceeding and for the coordination, discipline, retention, and training of
6 those interpreters.

7 (3) (a) The court shall appoint a qualified interpreter for a person in a court
8 proceeding if the court determines that the person has limited English proficiency
9 and the person is one of the following:

- 10 1. A party in interest.
- 11 2. A witness, while testifying in a court proceeding.
- 12 3. An alleged victim, as defined in s. 950.02 (4).
- 13 4. A parent or legal guardian of a minor party in interest or the legal guardian
14 of a party in interest.
- 15 5. Another person affected by the proceedings, if the court determines that the
16 appointment is necessary and appropriate.

17 (b) The court may appoint more than one qualified interpreter in a court
18 proceeding when necessary.

19 (c) If a person with limited English proficiency, as defined in sub. (1) (b) 2., is
20 part of a jury panel in a court proceeding, the court shall appoint a qualified
21 interpreter for that person.

22 (d) If a person with limited English proficiency requests the assistance of the
23 clerk of circuit courts regarding a legal proceeding, the clerk may provide the
24 assistance of a qualified interpreter to respond to the person's inquiry.

1 (e) A qualified interpreter appointed under this subsection may, with the
2 approval of the court, provide interpreter services outside the court room that are
3 related to the court proceedings, including during court-ordered psychiatric or
4 medical exams or mediation.

5 (f) A qualified interpreter shall be appointed or provided under this subsection
6 without regard to the ability of the person with limited English proficiency to pay for
7 the costs of the qualified interpreter.

8 (4) (a) The court may accept the waiver of the right to a qualified interpreter
9 by a person with limited English proficiency at any point in the court proceeding if
10 the court advises the person of the nature and effect of the waiver and determines
11 on the record that the waiver has been made knowingly, intelligently, and
12 voluntarily.

13 (b) At any point in the court proceeding, for good cause, the person with limited
14 English proficiency may retract his or her waiver and request that a qualified
15 interpreter be appointed.

16 (5) Every qualified interpreter, before commencing his or her duties in a court
17 proceeding, shall take a sworn oath that he or she will make a true and impartial
18 interpretation. The supreme court may approve a uniform oath for qualified
19 interpreters.

20 (6) Any party to a court proceeding may object to the use of any qualified
21 interpreter for good cause. The court may remove a qualified interpreter for good
22 cause.

23 (7) The delay resulting from the need to locate and appoint a qualified
24 interpreter may constitute good cause for the court to toll the time limitations in the
25 court proceeding.

1 (8) (a) Except as provided in par. (b), the necessary expenses of providing
2 qualified interpreters to persons with limited English proficiency under this section
3 shall be paid as follows:

4 1. The county in which the circuit court is located shall pay the expenses in all
5 proceedings before a circuit court and when the clerk of circuit court uses a qualified
6 interpreter under sub. (3) (d). The county shall be reimbursed as provided in s.
7 758.19 (8) for expenses paid under this subdivision.

8 2. The court of appeals shall pay the expenses in all proceedings before the court
9 of appeals.

10 3. The supreme court shall pay the expenses in all proceedings before the
11 supreme court.

12 (b) The state public defender shall pay the expenses for interpreters assisting
13 the state public defender in representing an indigent person in preparing for court
14 proceedings.”

15 (15) ✓ 8. Page ^{1219 9} ~~1066~~, line ~~24~~: substitute “885.38 (1) (b).” for “885.37 (1g) ~~1a~~.”.

16 (16) LPS: please fix component 9. Page ^{1354 22} ~~1407~~, line ~~23~~: ~~delete lines 23 to 25 and substitute:~~ after that line insert

17 (17) [^]“(1~~1~~) COURT INTERPRETER PROGRAM. The authorized FTE positions for the
18 supreme court are increased by 1.0 GPR project position, for a 2-year period
19 beginning on the first day of the 2nd month beginning after publication, to be funded
20 from the appropriation under section 20.680 (2) (a) of the statutes, for the purpose
21 of developing and administering a court interpreter testing and training program.”.

22 (22) 10. Page ^{1295 6 6 9} ~~1294~~, line ~~21~~: delete lines ~~21~~ to ~~24~~ and substitute:

23 (23) [^]“(1~~1~~) COURT INTERPRETERS. The treatment of sections 20.625 (1) (c), 46.295 (2)
24 (c), 48.315 (1) (h), 48.375 (7) (d) 1m., 758.19 (8), 814.67 (1) (am), (b) (intro.) and 2.,

1 and (c), 885.37 (title), (1) (a) and (b), (2), (4) (a), and (5) (a), 885.38, 905.015, and
2 938.315 (1) (h) of the statutes first applies to interpreters used by a clerk of court or
3 appointed by a court on the effective date of this subsection.”

4

11. Page ¹⁴~~10~~17, line ¹⁶~~7~~: delete lines ¹⁶7 to ¹⁹10 and substitute:

5

“(1ⁿ) COURT INTERPRETERS. The treatment of sections 20.625 (1) (c), 46.295 (2)
6 (c), 48.315 (1) (h), 48.375 (7) (d) 1m., 758.19 (8), 814.67 (1) (am), (b) (intro.) and 2.,
7 and (c), 885.37 (title), (1) (a) and (b), (2), (4) (a), and (5) (a), 885.38, 905.015, and
8 938.315 (1) (h) of the statutes and SECTION 9309 (1ⁿ) of this act take effect on July 1,
9 2002.”

10

(END)

D-Note

This draft is based on
LRB 0207, *DF?*

RPN
~
~

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb0995/1dn
RPN:wlj:kjf

June 18, 2001

This draft is based on LRBb0207. OK?

Robert P. Nelson
Senior Legislative Attorney
Phone: (608) 267-7511
E-mail: robert.nelson@legis.state.wi.us



SDC:.....Keckhaver – CN4520, Court interpreter position and money for the director of state courts and increase court interpreter fees

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS SENATE AMENDMENT

TO SENATE SUBSTITUTE AMENDMENT 1,

TO 2001 SENATE BILL 55

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 270, line 3: increase the dollar amount for fiscal year 2002-03 by
3 ~~\$356,200~~ ^{\$250,600} to increase funding for the purpose for which the appropriation is made.

4 **2.** Page 271, line 13: increase the dollar amount for fiscal year 2001-02 by
5 \$97,800 and increase the dollar amount for fiscal year 2002-03 by \$100,800 to
6 increase funding for the purpose of providing training and testing of court
7 interpreters.

8 **3.** Page 406, line 5: after that line insert:

9 “SECTION 926m. 20.625 (1) (c) of the statutes is amended to read:

1 20.625 (1) (c) *Court interpreter fees.* The amounts in the schedule to pay
2 interpreter fees ~~reimbursed under s. 885.37 (4) (a) 2.~~ 758.19 (8).”.

3 **4.** Page 569, line 23: after that line insert:

4 “**SECTION 1553m.** 46.295 (2) (c) of the statutes is amended to read:

5 46.295 (2) (c) ~~Legal services and civil court proceedings, excluding those~~
6 ~~services covered under s. 885.38 for which reimbursement is provided under s.~~
7 ~~758.19 (8).~~”.

8 **5.** Page 1185, line 6: after that line insert:

9 “**SECTION 3781d.** 758.19 (8) of the statutes is created to read:

10 758.19 (8) (a) From the appropriation under s. 20.625 (1) (c), the director of
11 state courts shall reimburse counties up to 4 times each year for the actual expenses
12 paid for interpreters required by circuit courts to assist persons with limited English
13 proficiency under s. 885.38 (8) (a) 1. The amount of the reimbursement for mileage
14 shall be ~~an amount equal to the mileage rate that is set under s. 20.916 (8).~~ *20 cents per mile going (insert 2-14 from p. 4)* The
15 amount of the maximum hourly reimbursement for court interpreters shall be as
16 follows:

17 1. Forty dollars for the first hour and \$20 for each additional 0.5 hour for
18 qualified interpreters certified under the requirements and procedures approved by
19 the supreme court.

20 2. Thirty dollars for the first hour and \$15 for each additional 0.5 hour for
21 qualified interpreters, as defined in s. 885.38 (1) (c).

22 (b) To receive reimbursement under par. (a), a county must submit, on forms
23 provided by the director of state courts, an accounting of the amount paid for
24 expenses related to court interpreters that are eligible for reimbursement under par.

1 (a). The forms must include expenses for the preceding 3-month period and must
 2 be submitted within 90 days after that 3-month period has ended. The director of
 3 state courts may not reimburse a county for any expenses related to court
 4 interpreters that are submitted after the 90-day period has ended. *If moneys are*
 5 *insufficient to pay the full reimbursement to the counties, the director of state courts*
 6 *may prorate the payments.* Reimbursement under par. (a) first applies to court
 7 interpreter expenses incurred on the effective date of this paragraph [revisor
 8 inserts date.]

9 ~~(c) On June 30, 2003, and on each June 30 thereafter, the director of state courts~~
 10 ~~shall adjust the maximum hourly reimbursement to counties for fees paid for court~~
 11 ~~interpreters under par. (a) to reflect the changes in the consumer price index for all~~
 12 ~~urban consumers, U.S. city average, as determined by the U.S. department of labor,~~
 13 ~~with the adjusted limit to apply to interpreter services provided subsequent to the~~
 14 ~~adjustments.~~

15 **6.** Page 1208, line 14: delete lines 14 and 15 and substitute:

16 **"SECTION 3836dd.** 814.67 (1) (am) of the statutes is created to read:

17 814.67 (1) (am) For witnesses attending before a circuit court, \$16 per day.

18 **SECTION 3836f.** 814.67 (1) (b) (intro.) of the statutes is amended to read:

19 814.67 (1) (b) (intro.) For attending before ~~any other court~~ the court of appeals
 20 or the supreme court:

21 **SECTION 3836g.** 814.67 (1) (b) 2. of the statutes is amended to read:

22 814.67 (1) (b) 2. For interpreters, ~~\$35 per one-half day~~ a fee determined by the
 23 supreme court.

24 **SECTION 3836h.** 814.67 (1) (c) of the statutes is amended to read:

insert
2-14

1 814.67 (1) (c) For traveling, at the rate of 20 cents mileage rate equal to the rate
2 that is set under s. 20.916 (8), per mile going and returning from his or her residence
3 if within the state; or, if without the state, from the point where he or she crosses the
4 state boundary to the place of attendance, and returning by the usually traveled
5 route between such points.

6 7. Page 1211, line 9: delete the material beginning with that line and ending
7 with page 1214, line 15, and substitute:

8 "SECTION 3852d. 885.37 (title) of the statutes is amended to read:

9 885.37 (title) **Interpreters for persons with language difficulties or**
10 **hearing or speaking impairments in municipal courts and administrative**
11 **agency contested cases.**

12 SECTION 3852g. 885.37 (1) (a) of the statutes is repealed.

13 SECTION 3852m. 885.37 (1) (b) of the statutes is amended to read:

14 885.37 (1) (b) If a municipal court has notice that a person who ~~fits any of the~~
15 criteria under par. (a) is a juvenile or parent subject to ch. 938, or who is a witness
16 in a proceeding under ch. 938, has a language difficulty because of the inability to
17 speak or understand English, has a hearing impairment, is unable to speak or has
18 a speech defect, the court shall make a factual determination of whether the
19 language difficulty or the hearing or speaking impairment is sufficient to prevent the
20 individual from communicating with his or her attorney, reasonably understanding
21 the English testimony or reasonably being understood in English. If the court
22 determines that an interpreter is necessary, the court shall advise the person that
23 he or she has a right to a qualified interpreter and that, if the person cannot afford
24 one, an interpreter will be provided for him or her at the public's expense. Any waiver

1 of the right to an interpreter is effective only if made voluntarily in person, in open
2 court and on the record.

3 **SECTION 3852r.** 885.37 (2) of the statutes is amended to read:

4 885.37 (2) A municipal court may authorize the use of an interpreter in actions
5 or proceedings in addition to those specified in sub. (1) (b).

6 **SECTION 3853g.** 885.37 (4) (a) of the statutes is repealed and recreated to read:

7 885.37 (4) (a) The necessary expense of furnishing an interpreter for an
8 indigent person in a municipal court shall be paid by the municipality.

9 **SECTION 3853m.** 885.37 (5) (a) of the statutes is amended to read:

10 885.37 (5) (a) If a municipal court under sub. (1) (b) or (2) or an agency under
11 sub. (3) decides to appoint an interpreter, the court or agency shall follow the
12 applicable procedure under par. (b) or (c).

13 **SECTION 3860m.** 885.38 of the statutes is created to read:

14 **885.38 Interpreters in circuit and appellate courts.** (1) In this section:

15 (a) “Court proceeding” means any proceeding before a court of record.

16 (b) “Limited English proficiency” means any of the following:

17 1. The inability, because of the use of a language other than English, to
18 adequately understand or communicate effectively in English in a court proceeding.

19 2. The inability, due to a speech impairment, hearing loss, deafness,
20 deaf-blindness, or other disability, to adequately hear, understand, or communicate
21 effectively in English in a court proceeding.

22 (c) “Qualified interpreter” means a person who is able to do all of the following:

23 1. Readily communicate with a person who has limited English proficiency.

If a person is charged with a crime is a child or parent subject to ch 48 or 438, or is subject to ch 51 or 55 and

2. Orally transfer the meaning of statements to and from English and the language spoken by a person who has limited English proficiency in the context of a court proceeding.

3. Readily and accurately interpret for a person who has limited English proficiency, without omissions or additions, in a manner that conserves the meaning, tone, and style of the original statement, including dialect, slang, and specialized vocabulary.

(2) The supreme court shall establish the procedures and policies for the recruitment, training, and certification of persons to act as qualified interpreters in a court proceeding and for the coordination, discipline, retention, and training of those interpreters.

(3) (a) ~~The court shall appoint a qualified interpreter for a person in a court proceeding if~~ the court determines that the person has limited English proficiency and the person is one of the following:

- 1. A party in interest.
- 2. A witness, while testifying in a court proceeding.
- 3. An alleged victim, as defined in s. 950.02 (4).
- 4. A parent or legal guardian of a minor party in interest or the legal guardian of a party in interest.
- 5. Another person affected by the proceedings, if the court determines that the appointment is necessary and appropriate.

(b) The court may appoint more than one qualified interpreter in a court proceeding when necessary.

and an interpreter is necessary, the court shall advise the person that he or she has the right to a qualified interpreter and that, if the person cannot afford one, an interpreter will be provided at the public's expense if

1 (c) If a person with limited English proficiency, as defined in sub. (1) (b) 2., is
2 part of a jury panel in a court proceeding, the court shall appoint a qualified
3 interpreter for that person.

4 (d) If a person with limited English proficiency requests the assistance of the
5 clerk of circuit courts regarding a legal proceeding, the clerk may provide the
6 assistance of a qualified interpreter to respond to the person's inquiry.

7 (e) A qualified interpreter appointed under this subsection may, with the
8 approval of the court, provide interpreter services outside the court room that are
9 related to the court proceedings, including during court-ordered psychiatric or
10 medical exams or mediation.

11 (f) A qualified interpreter shall be appointed or provided under this subsection
12 without regard to the ability of the person with limited English proficiency to pay for
13 the costs of the qualified interpreter.

14 (4) (a) The court may accept the waiver of the right to a qualified interpreter
15 by a person with limited English proficiency at any point in the court proceeding if
16 the court advises the person of the nature and effect of the waiver and determines
17 on the record that the waiver has been made knowingly, intelligently, and
18 voluntarily.

19 (b) At any point in the court proceeding, for good cause, the person with limited
20 English proficiency may retract his or her waiver and request that a qualified
21 interpreter be appointed.

22 (5) Every qualified interpreter, before commencing his or her duties in a court
23 proceeding, shall take a sworn oath that he or she will make a true and impartial
24 interpretation. The supreme court may approve a uniform oath for qualified
25 interpreters.

1 (6) Any party to a court proceeding may object to the use of any qualified
2 interpreter for good cause. The court may remove a qualified interpreter for good
3 cause.

4 (7) The delay resulting from the need to locate and appoint a qualified
5 interpreter may constitute good cause for the court to toll the time limitations in the
6 court proceeding.

7 (8) (a) Except as provided in par. (b), the necessary expenses of providing
8 qualified interpreters to ^{indigent} persons with limited English proficiency under this section
9 shall be paid as follows:

10 1. The county in which the circuit court is located shall pay the expenses in all
11 proceedings before a circuit court and when the clerk of circuit court uses a qualified
12 interpreter under sub. (3) (d). The county shall be reimbursed as provided in s.
13 758.19 (8) for expenses paid under this subdivision.

14 2. The court of appeals shall pay the expenses in all proceedings before the court
15 of appeals.

16 3. The supreme court shall pay the expenses in all proceedings before the
17 supreme court.

18 (b) The state public defender shall pay the expenses for interpreters assisting
19 the state public defender in representing an indigent person in preparing for court
20 proceedings.”.

21 **8.** Page 1219, line 9: substitute “885.38 (1) (b).” for “885.37 (1g).”.

22 **9.** Page 1354, line 22: after that line insert:

23 “(1n) COURT INTERPRETER PROGRAM. The authorized FTE positions for the
24 supreme court are increased by 1.0 GPR project position, for a 2–year period

1 beginning on the first day of the 2nd month beginning after publication, to be funded
2 from the appropriation under section 20.680 (2) (a) of the statutes, for the purpose
3 of developing and administering a court interpreter testing and training program.”.

4 **10.** Page 1395, line 6: delete lines 6 to 9 and substitute:

5 (5) “(1n) COURT INTERPRETERS. The treatment of sections 20.625 (1) (c), ~~48.295 (2)~~
6 ~~(2)~~ 48.315 (1) (h), 48.375 (7) (d) 1m., 758.19 (8), 814.67 (1) (am), (b) (intro.) and 2.,
7 ~~and (2)~~ 885.37 (title), (1) (a) and (b), (2), (4) (a), and (5) (a), 885.38, 905.015, and
8 938.315 (1) (h) of the statutes first applies to interpreters used by a clerk of court or
9 appointed by a court on the effective date of this subsection.”.

10 **11.** Page 1417, line 16: delete lines 16 to 19 and substitute:

11 “(1n) COURT INTERPRETERS. The treatment of sections 20.625 (1) (c), ~~48.295 (2)~~
12 ~~(2)~~ 48.315 (1) (h), 48.375 (7) (d) 1m., 758.19 (8), 814.67 (1) (am), (b) (intro.) and 2.,
13 ~~and (2)~~ 885.37 (title), (1) (a) and (b), (2), (4) (a), and (5) (a), 885.38, 905.015, and
14 938.315 (1) (h) of the statutes and SECTION 9309 (1n) of this act take effect on July
15 1, 2002.”.

16

(END)



SDC:.....Keckhaver – CN4520, Court interpreter position and money for the director of state courts and increase court interpreter fees

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS SENATE AMENDMENT

TO SENATE SUBSTITUTE AMENDMENT 1,

TO 2001 SENATE BILL 55

LPS: PLEASE
DO NOT E-MAIL

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 270, line 3: increase the dollar amount for fiscal year 2002-03 by
3 \$250,600 to increase funding for the purpose for which the appropriation is made.

4 **2.** Page 271, line 13: increase the dollar amount for fiscal year 2001-02 by
5 \$97,800 and increase the dollar amount for fiscal year 2002-03 by \$100,800 to
6 increase funding for the purpose of providing training and testing of court
7 interpreters.

8 **3.** Page 406, line 5: after that line insert:

9 **"SECTION 926m.** 20.625 (1) (c) of the statutes is amended to read:

1 20.625 (1) (c) *Court interpreter fees.* The amounts in the schedule to pay
2 interpreter fees reimbursed under s. ~~885.37 (4) (a) 2.~~ 758.19 (8).”

3 **4.** Page 1185, line 6: after that line insert:

4 “**SECTION 3781d.** 758.19 (8) of the statutes is created to read:

5 758.19 (8) (a) From the appropriation under s. 20.625 (1) (c), the director of
6 state courts shall reimburse counties up to 4 times each year for the actual expenses
7 paid for interpreters required by circuit courts to assist persons with limited English
8 proficiency under s. 885.38 (8) (a) 1. The amount of the reimbursement for mileage
9 shall be 20 cents per mile going and returning from his or her residence if within the
10 state; or, if without the state, from the point where he or she crosses the state
11 boundary to the place of attendance, and returning by the usually traveled route
12 between such points. The amount of the maximum hourly reimbursement for court
13 interpreters shall be as follows:

14 1. Forty dollars for the first hour and \$20 for each additional 0.5 hour for
15 qualified interpreters certified under the requirements and procedures approved by
16 the supreme court.

17 2. Thirty dollars for the first hour and \$15 for each additional 0.5 hour for
18 qualified interpreters, as defined in s. 885.38 (1) (c).

19 (b) To receive reimbursement under par. (a), a county must submit, on forms
20 provided by the director of state courts, an accounting of the amount paid for
21 expenses related to court interpreters that are eligible for reimbursement under par.
22 (a). The forms must include expenses for the preceding 3-month period and must
23 be submitted within 90 days after that 3-month period has ended. The director of
24 state courts may not reimburse a county for any expenses related to court

1 interpreters that are submitted after the 90–day period has ended. Reimbursement
2 under par. (a) first applies to court interpreter expenses incurred on the effective date
3 of this paragraph [revisor inserts date].”

4 **5.** Page 1208, line 14: delete lines 14 and 15 and substitute:

5 “**SECTION 3836dd.** 814.67 (1) (am) of the statutes is created to read:

6 814.67 (1) (am) For witnesses attending before a circuit court, \$16 per day.

7 **SECTION 3836f.** 814.67 (1) (b) (intro.) of the statutes is amended to read:

8 814.67 (1) (b) (intro.) For attending before any other court the court of appeals
9 or the supreme court:

10 **SECTION 3836g.** 814.67 (1) (b) 2. of the statutes is amended to read:

11 814.67 (1) (b) 2. For interpreters, ~~\$35 per one half day~~ a fee determined by the
12 supreme court.”

13 **6.** Page 1211, line 9: delete the material beginning with that line and ending
14 with page 1214, line 15, and substitute:

15 “**SECTION 3852d.** 885.37 (title) of the statutes is amended to read:

16 **885.37** (title) ~~Interpreters for persons with language difficulties or~~
17 ~~hearing or speaking impairments in municipal courts and administrative~~
18 ~~agency contested cases.~~

19 **SECTION 3852g.** 885.37 (1) (a) of the statutes is repealed.

20 **SECTION 3852m.** 885.37 (1) (b) of the statutes is amended to read:

21 885.37 (1) (b) If a municipal court has notice that a person who fits any of the
22 criteria under par. (a) is a juvenile or parent subject to ch. 938, or who is a witness
23 in a proceeding under ch. 938, has a language difficulty because of the inability to
24 speak or understand English, has a hearing impairment, is unable to speak or has

1 a speech defect, the court shall make a factual determination of whether the
2 language difficulty or the hearing or speaking impairment is sufficient to prevent the
3 individual from communicating with his or her attorney, reasonably understanding
4 the English testimony or reasonably being understood in English. If the court
5 determines that an interpreter is necessary, the court shall advise the person that
6 he or she has a right to a qualified interpreter and that, if the person cannot afford
7 one, an interpreter will be provided for him or her at the public's expense. Any waiver
8 of the right to an interpreter is effective only if made voluntarily in person, in open
9 court and on the record.

10 **SECTION 3852r.** 885.37 (2) of the statutes is amended to read:

11 885.37 (2) A municipal court may authorize the use of an interpreter in actions
12 or proceedings in addition to those specified in sub. (1) (b).

13 **SECTION 3853g.** 885.37 (4) (a) of the statutes is repealed and recreated to read:

14 885.37 (4) (a) The necessary expense of furnishing an interpreter for an
15 indigent person in a municipal court shall be paid by the municipality.

16 **SECTION 3853m.** 885.37 (5) (a) of the statutes is amended to read:

17 885.37 (5) (a) If a municipal court under sub. (1) (b) or (2) or an agency under
18 sub. (3) decides to appoint an interpreter, the court or agency shall follow the
19 applicable procedure under par. (b) or (c).

20 **SECTION 3860m.** 885.38 of the statutes is created to read:

21 **885.38 Interpreters in circuit and appellate courts.** (1) In this section:

22 (a) "Court proceeding" means any proceeding before a court of record.

23 (b) "Limited English proficiency" means any of the following:

24 1. The inability, because of the use of a language other than English, to
25 adequately understand or communicate effectively in English in a court proceeding.

1 2. The inability, due to a speech impairment, hearing loss, deafness,
2 deaf-blindness, or other disability, to adequately hear, understand, or communicate
3 effectively in English in a court proceeding.

4 (c) "Qualified interpreter" means a person who is able to do all of the following:

5 1. Readily communicate with a person who has limited English proficiency.

6 2. Orally transfer the meaning of statements to and from English and the
7 language spoken by a person who has limited English proficiency in the context of
8 a court proceeding.

9 3. Readily and accurately interpret for a person who has limited English
10 proficiency, without omissions or additions, in a manner that conserves the meaning,
11 tone, and style of the original statement, including dialect, slang, and specialized
12 vocabulary.

13 (2) The supreme court shall establish the procedures and policies for the
14 recruitment, training, and certification of persons to act as qualified interpreters in
15 a court proceeding and for the coordination, discipline, retention, and training of
16 those interpreters.

17 (3) (a) *In criminal proceedings and in proceedings under*
18 ~~if a person is charged with a crime, is a child or parent subject to ch. 48,~~
or 938, if
~~of 938, or is subject to ch. 51, or 55, and~~ the court determines that the person has
19 limited English proficiency, and an interpreter is necessary, the court shall advise the
20 person that he or she has the right to a qualified interpreter and that, if the person
21 cannot afford one, an interpreter will be provided at the public's expense if the person
22 is one of the following:

23 1. A party in interest.

24 2. A witness, while testifying in a court proceeding.

25 3. An alleged victim, as defined in s. 950.02 (4).

1 4. A parent or legal guardian of a minor party in interest or the legal guardian
2 of a party in interest.

3 5. Another person affected by the proceedings, if the court determines that the
4 appointment is necessary and appropriate.

5 (b) The court may appoint more than one qualified interpreter in a court
6 proceeding when necessary.

7 (c) If a person with limited English proficiency, as defined in sub. (1) (b) 2., is
8 part of a jury panel in a court proceeding, the court shall appoint a qualified
9 interpreter for that person.

10 (d) If a person with limited English proficiency requests the assistance of the
11 clerk of circuit courts regarding a legal proceeding, the clerk may provide the
12 assistance of a qualified interpreter to respond to the person's inquiry.

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14 approval of the court, provide interpreter services outside the court room that are
15 related to the court proceedings, including during court-ordered psychiatric or
16 medical exams or mediation.

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18 by a person with limited English proficiency at any point in the court proceeding if
19 the court advises the person of the nature and effect of the waiver and determines
20 on the record that the waiver has been made knowingly, intelligently, and
21 voluntarily.

22 (b) At any point in the court proceeding, for good cause, the person with limited
23 English proficiency may retract his or her waiver and request that a qualified
24 interpreter be appointed.

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2 proceeding, shall take a sworn oath that he or she will make a true and impartial
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4 interpreters.

5 (6) Any party to a court proceeding may object to the use of any qualified
6 interpreter for good cause. The court may remove a qualified interpreter for good
7 cause.

8 (7) The delay resulting from the need to locate and appoint a qualified
9 interpreter may constitute good cause for the court to toll the time limitations in the
10 court proceeding.

11 (8) (a) Except as provided in par. (b), the necessary expenses of providing
12 qualified interpreters to indigent persons with limited English proficiency under
13 this section shall be paid as follows:

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15 proceedings before a circuit court and when the clerk of circuit court uses a qualified
16 interpreter under sub. (3) (d). The county shall be reimbursed as provided in s.
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18 2. The court of appeals shall pay the expenses in all proceedings before the court
19 of appeals.

20 3. The supreme court shall pay the expenses in all proceedings before the
21 supreme court.

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23 the state public defender in representing an indigent person in preparing for court
24 proceedings.”.

SDC:.....Keckhaver – CN4520, Court interpreter position and money for the
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FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS SENATE AMENDMENT

TO SENATE SUBSTITUTE AMENDMENT 1,

TO 2001 SENATE BILL 55

1 At the locations indicated, amend the substitute amendment as follows:

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2 interpreter fees reimbursed under s. ~~885.37 (4) (a) 2.~~ 758.19 (8).”

3 **4.** Page 1185, line 6: after that line insert:

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11 boundary to the place of attendance, and returning by the usually traveled route
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16 the supreme court.

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3 of this paragraph [revisor inserts date].”.

4 **5.** Page 1208, line 14: delete lines 14 and 15 and substitute:

5 “**SECTION 3836dd.** 814.67 (1) (am) of the statutes is created to read:

6 814.67 (1) (am) For witnesses attending before a circuit court, \$16 per day.

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10 **SECTION 3836g.** 814.67 (1) (b) 2. of the statutes is amended to read:

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14 with page 1214, line 15, and substitute:

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20 **SECTION 3860m.** 885.38 of the statutes is created to read:

21 **885.38 Interpreters in circuit and appellate courts.** (1) In this section:

22 (a) "Court proceeding" means any proceeding before a court of record.

23 (b) "Limited English proficiency" means any of the following:

24 1. The inability, because of the use of a language other than English, to
25 adequately understand or communicate effectively in English in a court proceeding.

1 2. The inability, due to a speech impairment, hearing loss, deafness,
2 deaf-blindness, or other disability, to adequately hear, understand, or communicate
3 effectively in English in a court proceeding.

4 (c) “Qualified interpreter” means a person who is able to do all of the following:

5 1. Readily communicate with a person who has limited English proficiency.

6 2. Orally transfer the meaning of statements to and from English and the
7 language spoken by a person who has limited English proficiency in the context of
8 a court proceeding.

9 3. Readily and accurately interpret for a person who has limited English
10 proficiency, without omissions or additions, in a manner that conserves the meaning,
11 tone, and style of the original statement, including dialect, slang, and specialized
12 vocabulary.

13 (2) The supreme court shall establish the procedures and policies for the
14 recruitment, training, and certification of persons to act as qualified interpreters in
15 a court proceeding and for the coordination, discipline, retention, and training of
16 those interpreters.

17 (3) (a) In criminal proceedings and in proceedings under ch. 48, 51, 55, or 938,
18 if and the court determines that the person has limited English proficiency, and an
19 interpreter is necessary, the court shall advise the person that he or she has the right
20 to a qualified interpreter and that, if the person cannot afford one, an interpreter will
21 be provided at the public’s expense if the person is one of the following:

22 1. A party in interest.

23 2. A witness, while testifying in a court proceeding.

24 3. An alleged victim, as defined in s. 950.02 (4).

1 4. A parent or legal guardian of a minor party in interest or the legal guardian
2 of a party in interest.

3 5. Another person affected by the proceedings, if the court determines that the
4 appointment is necessary and appropriate.

5 (b) The court may appoint more than one qualified interpreter in a court
6 proceeding when necessary.

7 (c) If a person with limited English proficiency, as defined in sub. (1) (b) 2., is
8 part of a jury panel in a court proceeding, the court shall appoint a qualified
9 interpreter for that person.

10 (d) If a person with limited English proficiency requests the assistance of the
11 clerk of circuit courts regarding a legal proceeding, the clerk may provide the
12 assistance of a qualified interpreter to respond to the person's inquiry.

13 (e) A qualified interpreter appointed under this subsection may, with the
14 approval of the court, provide interpreter services outside the court room that are
15 related to the court proceedings, including during court-ordered psychiatric or
16 medical exams or mediation.

17 (4) (a) The court may accept the waiver of the right to a qualified interpreter
18 by a person with limited English proficiency at any point in the court proceeding if
19 the court advises the person of the nature and effect of the waiver and determines
20 on the record that the waiver has been made knowingly, intelligently, and
21 voluntarily.

22 (b) At any point in the court proceeding, for good cause, the person with limited
23 English proficiency may retract his or her waiver and request that a qualified
24 interpreter be appointed.

1 (5) Every qualified interpreter, before commencing his or her duties in a court
2 proceeding, shall take a sworn oath that he or she will make a true and impartial
3 interpretation. The supreme court may approve a uniform oath for qualified
4 interpreters.

5 (6) Any party to a court proceeding may object to the use of any qualified
6 interpreter for good cause. The court may remove a qualified interpreter for good
7 cause.

8 (7) The delay resulting from the need to locate and appoint a qualified
9 interpreter may constitute good cause for the court to toll the time limitations in the
10 court proceeding.

11 (8) (a) Except as provided in par. (b), the necessary expenses of providing
12 qualified interpreters to indigent persons with limited English proficiency under
13 this section shall be paid as follows:

14 1. The county in which the circuit court is located shall pay the expenses in all
15 proceedings before a circuit court and when the clerk of circuit court uses a qualified
16 interpreter under sub. (3) (d). The county shall be reimbursed as provided in s.
17 758.19 (8) for expenses paid under this subdivision.

18 2. The court of appeals shall pay the expenses in all proceedings before the court
19 of appeals.

20 3. The supreme court shall pay the expenses in all proceedings before the
21 supreme court.

22 (b) The state public defender shall pay the expenses for interpreters assisting
23 the state public defender in representing an indigent person in preparing for court
24 proceedings.”.

1 **7.** Page 1219, line 9: substitute “885.38 (1) (b),” for “885.37 (1g)”.

2 **8.** Page 1354, line 22: after that line insert:

3 “(1n) COURT INTERPRETER PROGRAM. The authorized FTE positions for the
4 supreme court are increased by 1.0 GPR project position, for a 2–year period
5 beginning on the first day of the 2nd month beginning after publication, to be funded
6 from the appropriation under section 20.680 (2) (a) of the statutes, for the purpose
7 of developing and administering a court interpreter testing and training program.”.

8 **9.** Page 1395, line 6: delete lines 6 to 9 and substitute:

9 “(1n) COURT INTERPRETERS. The treatment of sections 20.625 (1) (c), 48.315 (1)
10 (h), 48.375 (7) (d) 1m., 758.19 (8), 814.67 (1) (am), (b) (intro.) and 2., 885.37 (title), (1)
11 (a) and (b), (2), (4) (a), and (5) (a), 885.38, 905.015, and 938.315 (1) (h) of the statutes
12 first applies to interpreters used by a clerk of court or appointed by a court on the
13 effective date of this subsection.”.

14 **10.** Page 1417, line 16: delete lines 16 to 19 and substitute:

15 “(1n) COURT INTERPRETERS. The treatment of sections 20.625 (1) (c), 48.315 (1)
16 (h), 48.375 (7) (d) 1m., 758.19 (8), 814.67 (1) (am), (b) (intro.) and 2., 885.37 (title), (1)
17 (a) and (b), (2), (4) (a), and (5) (a), 885.38, 905.015, and 938.315 (1) (h) of the statutes
18 and SECTION 9309 (1n) of this act take effect on July 1, 2002.”.

19

(END)