

2003 DRAFTING REQUEST

Bill

Received: **09/16/2002**

Received By: **mlief**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Mukasa**

This file may be shown to any legislator: **NO**

Drafter: **mlief**

May Contact:

Addl. Drafters:

Subject: **Courts - miscellaneous**

Extra Copies:

Submit via email: **NO**

Pre Topic:

DOA:.....Mukasa - BB0243,

Topic:

Providing interpreters in civil cases and regardless of indigence

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>
/?				_____			S&L
/1	mlief 09/17/2002 rnelson2 12/02/2002	kfollett 09/24/2002	pgreensl 09/24/2002	_____	lkunkel 09/24/2002		S&L
/2	mlief 12/02/2002	kfollett 12/03/2002 kfollett 12/03/2002	pgreensl 12/04/2002	_____	lemery 12/04/2002		

FE Sent For:

<END>

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/1	mlief 09/17/2002	kfollett 09/24/2002	pgreensl 09/24/2002	<u>W/</u> <u>14</u>	lkunkel 09/24/2002		
FE Sent For:		1/2 - 12/3 Kmg	12/3 PS	PS	PS		<END>

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FE Sent For:		11 kjd 9/19/02	9/24 PG	9/24 <END>			
		11-9/20 KMG		PS/B			

STATUTORY LANGUAGE REQUEST: 2003 - 2005

Department/Program: Circuit Courts

Statutory Language Change: Right to an Interpreter in All Cases, Regardless of Indigency

NARRATIVE

The Circuit Courts requests statutory language modifications to s. 885.38 (3)(a) to strike the words "In criminal proceedings and in proceedings under ch. 48, 51, 55, or 938" and to strike the words "if the person cannot afford one" in order to provide for interpreters in civil cases and to provide for interpreters regardless of indigency,



State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-0059/1

MJL: *[Handwritten signature]*

2003 BILL

GEN

1 AN ACT ...; relating to: providing interpreters in civil and criminal cases,
2 regardless of indigence of the parties or witnesses.

Analysis by the Legislative Reference Bureau

In all criminal proceedings, and in a limited number of civil proceedings, such as those involving children in need of protective services, a circuit court must provide an interpreter for an indigent party or witness who has limited English proficiency. This bill requires the court, in all criminal and civil proceedings, to provide an interpreter for a party or witness who has limited English proficiency, regardless of indigence.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3 SECTION 1. 885.38 (3) (a) (intro.) of the statutes, ~~as created by 2003 Wisconsin~~
4 ~~Act 2001 Act 16~~ ^{*X*} is amended to read:
5 885.38 (3) (a) ^{*(Intro.)*} ~~In criminal proceedings and in proceedings under ch. 48, 51, 55,~~
6 ~~or 938, if~~ If the court determines that the person has limited English proficiency and

BILL

SECTION 1

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

History: 2001 a. 16.

(END)

5
SECD Initial applicability.
(1) This ^{act} first applies to ^a ^t actions
commenced on the effective date of
this subsection.



State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-0059/1
MJL:kjf&kmg/pg

keep

2003 BILL

Convert to DVA budget

Head
Sub

Courts, with President, and Attorneys
Circuit Courts (B) (CS)

Do Not Gen

1 AN ACT to amend 885.38 (3) (a) (intro.) of the statutes; relating to providing
2 interpreters in civil and criminal cases, regardless of indigence of the parties
3 or witnesses

the budget

Analysis by the Legislative Reference Bureau

In all criminal proceedings, and in a limited number of civil proceedings, such as those involving children in need of protective services, a circuit court must provide an interpreter for an indigent party or witness who has limited English proficiency. This bill requires the court, in all criminal and civil proceedings, to provide an interpreter for a party or witness who has limited English proficiency, regardless of indigence.

Stet, leave in

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5 885.38 (3) (a) (intro.) ~~In criminal proceedings and in proceedings under ch. 48,~~
6 ~~51, 55, or 938, if~~ If the court determines that the person has limited English

BILL

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

5 *Fix component*

9308
SECTION 2. Initial applicability, circuit courts. *circuit courts. ✓*
e treatment of section 885.38(3)(a) (intro.) of the statutes

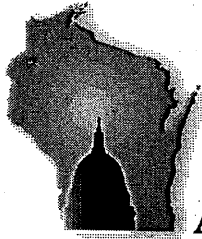
6

(1) ~~The~~ *sect* first applies to actions commenced on the effective date of this
7 subsection.

8

(END)

(CS) Interpreters in civil and criminal court cases.



**WISCONSIN DEPARTMENT OF
ADMINISTRATION**

SCOTT McCALLUM
GOVERNOR

GEORGE LIGHTBOURN
SECRETARY

Division of Executive Budget and Finance

Post Office Box 7864

Madison, WI 53707-7864

Voice (608) 266-1736

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TTY (608) 267-9629

Date: November 27, 2002

To: Steve Miller, LRB

From: Roger Mukasa, DOA
267-0370

Subject: Wisconsin Circuit and Supreme Courts' 2003-05 Biennial Budget
Request Statutory Language Drafts

I am forwarding statutory language changes that the Wisconsin Circuit and Supreme Courts' included with the budget submission. The changes were submitted to your office and draft numbers have been assigned. Some of these requests are similar to language requests drafted for 2001 Act 16. Please convert these drafts for inclusion in the 2003-05 budget.

- 625 1. Circuit Courts: Enact language to create a reimbursement program for the 6th judicial administrative district county law clerks' salaries and fringe benefits, using an annual GPR appropriation. Please see the attachment. LRB - 0047/P1. *BB0242*
- 625 2. Circuit Courts: Modify language to provide interpreters for all civil cases, regardless of indigency. Please see the attachment. LRB - 0059/1. *BB0243*
- 680 3. Supreme Court: Enact language to create a continuing training and testing program, using court interpreter training and certification testing fees and miscellaneous program revenue. Please see the attachment. LRB - 0107/1. *BB0244*
- 680 4. Supreme Court: Enact language to convert the Director of State Courts office from an annual to a biennial, sum certain appropriation. Please see the attachment. LRB - 0048/1. *BB0245*
- 680 5. Supreme Court: Enact language to allow the Board of Bar Examiners to develop and spend alternative revenue sources. Please see the attachment. LRB - 0049/P1. *BB0246*
- 680 6. Supreme Court: Modify title language in Chapter 20 language related to the Office of lawyer regulation. Please see the attachment. LRB - 0022/1. *BB0247*



State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-0059/2
MJL:kjf&kmg:pg

DOA:.....Mukasa – BB0243, Providing interpreters in civil cases and regardless of indigence

FOR 2003-05 BUDGET — NOT READY FOR INTRODUCTION

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau
COURTS, COURT PROCEDURE, AND ATTORNEYS

CIRCUIT COURTS

In all criminal proceedings, and in a limited number of civil proceedings, such as those involving children in need of protective services, a circuit court must provide an interpreter for an indigent party or witness who has limited English proficiency. This bill requires the court, in all criminal and civil proceedings, to provide an interpreter for a party or witness who has limited English proficiency, regardless of indigence.

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3 885.38 (3) (a) (intro.) ~~In criminal proceedings and in proceedings under ch. 48,~~
4 ~~51, 55, or 938, if~~ If the court determines that the person has limited English

1 proficiency and that an interpreter is necessary, the court shall advise the person
2 that he or she has the right to a qualified interpreter ~~and that, if the person cannot~~
3 ~~afford one, an interpreter will be provided~~ at the public's expense if the person is one
4 of the following:

5 **SECTION 9308. Initial applicability; circuit courts.**

6 (1) INTERPRETERS IN CIVIL AND CRIMINAL COURT CASES. The treatment of section
7 885.38 (3) (a) (intro.) of the statutes first applies to actions commenced on the
8 effective date of this subsection.

9 (END)