

2007 DRAFTING REQUEST

Bill

Received: **09/01/2006**

Received By: **rnelson2**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Wavrunek**

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

Drafter: **rnelson2**

May Contact:

Addl. Drafters:

Subject: **Courts - miscellaneous**

Extra Copies:

Submit via email: **NO**

Pre Topic:

DOA:.....Wavrunek, BB0139 -

Topic:

Require court interpreters regardless of indigency.

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>
/?	rnelson2 09/12/2006	kfollett 09/12/2006		_____			S&L
/1			pgreensl 09/12/2006	_____	lparisi 09/12/2006		S&L
/2	rnelson2 10/13/2006	kfollett 10/13/2006	rschluet 10/16/2006	_____	lparisi 10/16/2006		S&L
/3	rnelson2 10/17/2006	kfollett 10/17/2006	sherritz 10/18/2006	_____	lparisi 10/18/2006		

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/2	rnelson2 10/13/2006	kfollett 10/13/2006	rschluet 10/16/2006	_____	lparisi 10/16/2006		

FE Sent For:

13/gf
10/17
sh
10/17
sh/pg
10/17
<END>

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/?	rnelson2 09/12/2006	kfollett 09/12/2006		_____			S&L
/1	rnelson2	12/jf 10/13	pgreensl 09/12/2006	_____	lparisi 09/12/2006		S&L

FE Sent For:

[Handwritten signature]
10/36
<END>

2007 DRAFTING REQUEST

Bill

Received: **09/01/2006**

Received By: **rnelson2**

Wanted: **As time permits**

Identical to LRB:

For: **Director of State Courts 7-0702**

By/Representing: **Deb Brescoll**

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

Drafter: **rnelson2**

May Contact:

Addl. Drafters:

Subject: **Courts - miscellaneous**

Extra Copies:

Submit via email: **YES**

Requester's email: **deb.brescoll@wicourts.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Require court interpreters regardless of indigency.

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>
/?	rnelson2 09/12/2006	kfollett 09/12/2006		_____			S&L
/1			pgreensl 09/12/2006	_____	lparisi 09/12/2006		

FE Sent For:

<END>

2007 DRAFTING REQUEST

Bill

Received: 09/01/2006

Received By: rnelson2

Wanted: As time permits

Identical to LRB:

For: Director of State Courts 7-0702

By/Representing: Deb Brescoll

This file may be shown to any legislator: NO

Drafter: rnelson2

May Contact:

Addl. Drafters:

Subject: Courts - miscellaneous

Extra Copies:

Submit via email: YES

Requester's email: deb.brescoll@wicourts.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Require court interpreters regardless of indigency.

Instructions:

See attached

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<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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/?	rnelson2	1/1/06 9/1/06	9/12/06 per	9/1/06 sub			
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FE Sent For:

<END>

Nelson, Robert P.

From: Deb Brescoll [Deb.Brescoll@wicourts.gov]
Sent: Tuesday, August 22, 2006 3:14 PM
To: Nelson, Robert P.
Subject: Courts' Statutory Change Drafts for Biennial Budget Submission
Attachments: Statutory Language Request Memo 08-17.doc

Hi Bob,

Attached is a memo detailing the drafts we are requesting for the Courts' 2007-09 biennial budget request. Please call if you have further questions and thanks for your help.

Deb Brescoll
Director of State Courts Office

Memorandum

STATE OF WISCONSIN
MANAGEMENT SERVICES



DATE: August 22, 2006

TO: Robert Nelson, Senior Attorney
Legislative Reference Bureau

FROM: Deb Brescoll, Budget and Policy Officer
Director of State Courts Office

SUBJECT: Statutory Change Requests for the Courts' 2007-2009 Biennial Budget Submissions

Attached are five statutory changes requested by the Supreme Court as part of the court system's 2007-2009 biennial budget request, namely:

Supreme Court and Circuit Courts

- Require counties to submit to the Director of State Courts an annual report by May 15 that complies with a uniform chart of accounts developed by the Director of State Courts Office for the recording of all financial transactions relating to core court services. Authorize the Director of State Courts Office to conduct audits of counties' annual reports of court costs and revenues. This was drafted two years ago as LRB 0147/P2.

Supreme Court

- Provide that the \$1 of the justice information system surcharge (JISS) revenues currently deposited to the General Fund instead be deposited to s. 20.680(2)(j), Court information systems (CCAP). Currently this appropriation receives six-twelfths of the \$12 surcharge; under this proposal, CCAP would receive seven-twelfths of the surcharge. Further, delete the exemption from the CCAP fee and the JISS for the following violations: first violation of operating an ATV, motorboat, motor vehicle or snowmobile with a blood alcohol concentration of 0.08 or more but less than 0.1. Finally, broaden the Chapter 20 appropriation language for s. 20.680(2)(j) to allow the Supreme Court to establish additional CCAP fees by rule.
- Change the Director of State Courts Office appropriation from annual to biennial. Two years ago you drafted this same request as LRB 0121/1.

Circuit Courts

- Require court interpreters for all cases regardless of indigency. Authorize state reimbursement for county interpreter costs related to non-indigents.

X

STATUTORY LANGUAGE REQUEST: 2007 - 2009

Department/Program: Circuit Courts

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

NARRATIVE

The Circuit Courts requests the following statutory language modifications in order to require the appointment of court interpreters in all cases regardless of indigency, and to authorize state reimbursement for county interpreter costs related to non-indigents.

- Under s. 885.38 (3)(a), strike the words "In criminal proceedings and in proceedings under ch. 48, 51, 55, or 938" and strike the words "if the person cannot afford one".
- Under s. 885.38 (8)(a), strike the word "indigent".

Note that these changes would also apply to the Supreme Court and Court of Appeals. Since the federal American with Disabilities Act already requires this and the number of non-English speakers appearing before the appellate courts is extremely limited, this would have no practicable effect of the appellate courts.

7
2005 BILL

PWF

Regen

1 AN ACT *to amend* 885.38 (3) (a) (intro.) and 885.38 (8) (a) (intro.) of the statutes;
2 relating to: providing an interpreter, regardless of indigence, in court
3 proceedings.

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:

4 SECTION 1. 885.38 (3) (a) (intro.) of the statutes is amended to read:
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 **SECTION 2.** 885.38 (8) (a) (intro.) of the statutes is amended to read:

6 885.38 **(8)** (a) (intro.) Except as provided in par. (b), the necessary expenses of
7 providing qualified interpreters to ~~indigent~~ persons with limited English proficiency
8 under this section shall be paid as follows:

9 **SECTION 3. Initial applicability.**

10 (1) This act first applies to actions commenced on the effective date of this
11 subsection.

12 (END)

2007-09 Budget Bill Statutory Language Drafting Request

- Topic: Right to an interpreter in all cases, regardless of indigence
- Tracking Code: BB0139
- SBO team: General Government and Justice
- SBO analyst: Leah Wavrunek
 - Phone: 267-0370
 - Email: leah.wavrunek@wisconsin.gov
- Agency acronym: CC
- Agency number: 625
- Priority (Low, Medium, High): Medium

RPN

The request intends to require the appointment of court interpreters in all cases regardless of indigence and to authorize state reimbursement for county interpreter costs related to non-indigents.

The agency offered the following modification:

Modify s.885.38(3)(a) and s.885.38(8)(a).

The Courts submitted a draft for LRB-0111/1 along with their budget request.



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-0111/1

RPN:kjf

Stays

2007 BILL

DO A Budget

COURTS AND PROCEDURE
= CIRCUIT COURTS

Do Not Gen

1 AN ACT ~~to amend 885.38 (3) (a) (intro.) and 885.38 (8) (a) (intro.) of the statutes;~~
2 relating to: providing an interpreter, regardless of indigence, in court
3 proceedings. ~~of 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.

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

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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**SECTION 1**

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 2.** 885.38 (8) (a) (intro.) of the statutes is amended to read:

6 885.38 (8) (a) (intro.) Except as provided in par. (b), the necessary expenses of
7 providing qualified interpreters to indigent persons with limited English proficiency
8 under this section shall be paid as follows:

9 **SECTION 3. Initial applicability.**

10 (1) This act first applies to actions commenced on the effective date of this
11 subsection.

12 (END)

Nelson, Robert P.

From: Hanaman, Cathlene
Sent: Monday, October 16, 2006 2:07 PM
To: Nelson, Robert P.
Cc: Follett, Kathy
Subject: FW: -0111/2

And the initial app needs a title.

From: Hanaman, Cathlene
Sent: Monday, October 16, 2006 2:06 PM
To: Nelson, Robert P.
Cc: Follett, Kathy
Subject: -0111/2

Bob:

You have to redraft this budget bill. Page 2, line 10, should specify statutory sections not "this act." Presumptuous of you to determine an initial applicability for the entire budget bill.



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-0111/2

RPN:kjf:rk

3

DOA:.....Wavrunek, BB0139 - Require court interpreters regardless of indigency.

FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

P-N *Date* *LRB-0111/3dn*
RPN:kjf
This draft conforms the
initial applicability section to the
budget format.
RPN

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

Analysis by the Legislative Reference Bureau
COURTS AND PROCEDURE

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

2 SECTION 1. 885.38 (3) (a) (intro.) of the statutes is amended to read:
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 2. 885.38 (8) (a) (intro.) of the statutes is amended to read:

6 885.38 (8) (a) (intro.) Except as provided in par. (b), the necessary expenses of
 7 providing qualified interpreters to indigent persons with limited English proficiency
 8 under this section shall be paid as follows:

9 SECTION 3. Initial applicability;

10 (1) ~~This act~~ first applies to actions commenced on the effective date of this
 11 subsection.

12 (END)

Change & component

9307

SECTION 3. Initial applicability; *9307*
 (1) *⑤ Court interpreters. = circuit courts =*

The treatment of sections 885.38
 (3) (a) (intro.) and (8) (a) (intro.) of
 the statutes

D-Note

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0111/3dn
RPN:kjf:sh

October 17, 2006

This draft conforms the initial applicability section to the budget format.

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



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-0111/3

RPN:kjf:sh

DOA:.....Wavrunek, BB0139 - Require court interpreters regardless of indigency.

FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

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

Analysis by the Legislative Reference Bureau

COURTS AND PROCEDURE

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.

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

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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 2.** 885.38 (8) (a) (intro.) of the statutes is amended to read:

6 885.38 (8) (a) (intro.) Except as provided in par. (b), the necessary expenses of
7 providing qualified interpreters to ~~indigent~~ persons with limited English proficiency
8 under this section shall be paid as follows:

9 **SECTION 9307. Initial applicability; Circuit Courts.**

10 (1) COURT INTERPRETERS. The treatment of sections 885.38 (3) (a) (intro.) and
11 (8) (a) (intro.) of the statutes first applies to actions commenced on the effective date
12 of this subsection.

13 (END)