

COUNCIL OF THE DISTRICT OF COLUMBIA

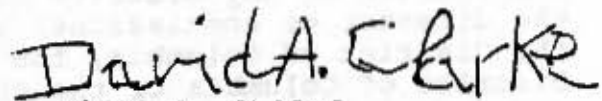
NOTICE

D.C. LAW 7-62

"Interpreters for Hearing-Impaired and Non-English Speaking Persons Act of 1987".

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P. L. 93-198, "the Act", the Council of the District of Columbia adopted Bill No. 7-108 on first and second readings, October 13, 1987, and October 27, 1987, respectively. Following the signature of the Mayor on November 5, 1987, this legislation was assigned Act 7-95, published in the November 20, 1987, edition of the D.C. Register, (Vol. 34 page 7426) and transmitted to Congress on November 6, 1987 for a 30-day review, in accordance with Section 602(c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 7-62, effective January 28, 1988.


DAVID A. CLARKE
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

November 6, 9, 10, 12, 13, 16, 17, 18, 19, 20, 30

December 1, 2, 3, 4, 7, 8, 9, 10, 11, 14, 15, 16, 17, 18, 21, 22

January 25, 26, 27

EFFECTIVE DATE JAN 28 1988

Codification
New, Chapt
27 of
title 31

AN ACT

D.C. ACT 7 - 95

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

NOV 0 5 1987

To provide for qualified interpreters to assist hearing-impaired and non-English speaking persons participate in proceedings of the courts, legislature, administrative agencies and bodies, departments, boards and commissions and to establish an Office of Interpreter Services.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Interpreters for Hearing-Impaired and Non-English Speaking Persons Act of 1987".

Sec. 2. Definitions. For the purposes of this act, the term:

New, D.C.
Code,
sec. 31-2
(1988 sup)

(1) "Appointing authority" means the presiding judge of any court of the District of Columbia, the chairperson of any District of Columbia board or commission, the director or commissioner of any department or agency of the District of Columbia, the Chairman of the Council of the District of Columbia or the chairperson of any committee of the Council of the District of Columbia conducting a hearing, or any other person presiding at any hearing or other proceeding in which a qualified interpreter is required pursuant to this act.

(2) "Communication-impaired person" means a person whose hearing is impaired or who does not speak English.

(3) "Hearing-impaired person" means a person who, because of a hearing impairment, cannot readily understand oral communications or who cannot communicate effectively through speech.

(4) "Non-English speaking person" means a person who is unable to readily understand oral and written communications in the English language or who cannot communicate effectively in the spoken English language.

(5) "Qualified interpreter" means a person who is listed by the Office of Interpreter Services as being skilled in the language or form of communication needed to communicate accurately with a communication-impaired person and who is able to translate information to and from the communication-impaired person.

(6) "Intermediary interpreter" means any person, including any hearing-impaired person, who is able to assist in providing an accurate interpretation between spoken English and sign language or between variants of sign language by acting as an intermediary between a hearing-impaired person and a qualified interpreter.

Sec. 3. Interpreters required.

(a) Whenever a communication-impaired person is a party or witness, or whenever a juvenile whose parent or parents are communication impaired is brought before a court at any stage of a judicial or quasi-judicial proceeding before a division or office of a court of the District of Columbia, including but not limited to civil and criminal court proceedings, proceedings before a commissioner, juvenile proceedings, child support and paternity proceedings, and mental health commitment proceedings, the appointing authority may appoint a qualified interpreter to interpret the proceedings to the communication-impaired person and to interpret the communication-impaired person's testimony. The appointing authority shall appoint a qualified interpreter upon the request of the communication-impaired person.

(b) In any criminal, delinquency, or child neglect proceeding in which counsel has been appointed to represent an indigent defendant who is communication-impaired, a qualified interpreter shall be appointed to assist in communication with counsel in all phases of the preparation and presentation of the case.

(c) Whenever a communication-impaired person is a party or a witness in an administrative proceeding before a department, board, commission, agency, or licensing authority of the District of Columbia, the appointing authority conducting the proceeding may appoint a qualified interpreter to interpret the proceedings to the communication-impaired person and to interpret the communication-impaired person's testimony. The appointing authority shall appoint a qualified interpreter upon the request of the communication-impaired person.

(d) Whenever a communication-impaired person is a witness before any legislative committee, the appointing authority conducting the proceeding may appoint a qualified interpreter to interpret the proceedings to the communication-impaired person and to interpret the

New, D.C.
Code, sec.
31-2702
(1988 supp)

communication-impaired person's testimony. The appointing authority shall appoint a qualified interpreter upon the request of the communication-impaired person.

(e) Whenever a communication-impaired person is arrested and taken into custody for an alleged violation of a criminal law, the arresting officer shall procure a qualified interpreter for any custodial interrogation, warning, notification of rights, or taking of a statement. No person who has been arrested but who is otherwise eligible for release shall be held in custody pending arrival of an interpreter. No answer, statement, or admission, written or oral, made by a communication-impaired person in reply to a question of a law enforcement officer in any criminal or delinquency proceeding may be used against that communication-impaired person unless either the answer, statement, or admission was made or elicited through a qualified interpreter and was made knowingly, voluntarily, and intelligently or, in the case of a waiver, unless the court makes a special finding upon proof by a preponderance of the evidence that the answer, statement, or admission made by the communication-impaired person was made knowingly, voluntarily, and intelligently.

Sec. 4. Notice of need for interpreter.

(a) A communication-impaired person entitled to an interpreter under this act shall, if practicable, notify the appropriate appointing authority of the person's need for an interpreter at least 5 business days prior to the person's appearance. A failure to notify the appointing authority of the need for an interpreter is not a waiver of the right to an interpreter.

(b) An appointing authority, when it knows a communication-impaired person is, or will be coming before it, shall inform the communication-impaired person of the right to a qualified interpreter. In a judicial proceeding, when the court knows that a communication-impaired person will be before it, the court shall inform the party, or the parent of a juvenile who is a party, of the right of any communication-impaired person to a qualified interpreter.

Sec. 5. Preliminary determination of interpreters qualifications.

Before appointing an interpreter, an appointing authority shall make a preliminary determination that the interpreter is able to accurately communicate with and translate information to and from the communication-impaired person involved. If the interpreter is not able to provide effective communication with the communication-impaired person, the appointing authority shall appoint another qualified interpreter.

New, D.C.
Code,
sec. 31-270
(1988 supp.)

New, D.C.
Code,
sec. 31-270
(1988 supp.)

Sec. 6. Intermediary interpreter to be used.

In any proceeding involving a hearing-impaired person in which a qualified interpreter is unable to render a satisfactory interpretation without the aid of an intermediary interpreter, the hearing-impaired person involved may be permitted by the appointing authority to retain another person to act as an intermediary interpreter to assist the qualified interpreter during the proceedings.

New, D.C.
Code,
sec. 31-2705
(1988 supp.)

Sec. 7. Waiver.

(a) A communication-impaired person entitled to the services of an interpreter under this act may waive the services of a qualified interpreter in whole or in part. The waiver must be made in writing, or orally on the record, by the communication-impaired person following consultation with that person's attorney. If the person does not have an attorney, the waiver must be made in writing by the communication-impaired person in that person's written language and the waiver must be approved in writing, by the appointing authority.

New, D.C.
Code,
sec. 31-2706
(1988 supp.)

(b) A communication-impaired person who has waived an interpreter under this section may provide his or her own interpreter at his or her own expense, without regard to whether the interpreter is qualified under this act.

Sec. 8. Oath of interpreter.

Before an interpreter appointed under this act begins to interpret, the interpreter shall take an oath or affirmation that the interpreter will make a true interpretation in an understandable manner to and for the person for whom the interpreter is appointed to the best of the interpreter's skills and judgment.

New, D.C.
Code,
sec. 31-2707
(1988 supp.)

Sec. 9. Privileged communications.

If a communication made by a communication-impaired person through an interpreter is privileged, the privilege extends also to the interpreter.

New, D.C.
Code,
sec. 31-2708
(1988 supp.)

Sec. 10. Interpreter in full view.

Whenever an interpreter is required to be appointed to assist a hearing-impaired person under this act, the appointing authority shall not commence proceedings until the appointed interpreter is in full view of and spatially situated so as to assure effective communication with the hearing-impaired person or persons involved as participants.

New, D.C.
Code,
sec. 31-2709
(1988 supp.)

Sec. 11. Visual recording.

In any proceeding involving a hearing-impaired person, an appointing authority, on the appointing authority's own motion or on the motion of a party to the proceedings, may

New, D.C.
Code,
sec. 31-2710
(1988 supp.)

order that an electronic, visual recording of the testimony of the hearing-impaired person and its interpretation be made for use in verification of the official transcript of the proceedings.

Sec. 12. Office of Interpreter Services.

(a) There is established an Office of Interpreter Services ("Office") to facilitate the use of interpreters in administrative, judicial, and legislative proceedings in the District of Columbia.

New, D.C.
Code,
sec. 31-2711
(1988 supp.)

(b) The duties and responsibilities of the Office shall include the following:

(1) The Office shall formulate and apply reasonable standards for evaluating the credentials and qualifications of persons who may serve as qualified interpreters in bilingual proceedings and proceedings involving hearing-impaired persons. In formulating and applying the standards for qualifications, the Office shall take into consideration such factors as education, training, experience, demonstrated current competence, and certification by a recognized private, federal, or state registry, board, or other organization that is determined by the Office to possess a sufficient level of competence training, testing, and certification of interpreters in the particular language speciality of the interpreter.

(2) The Office shall establish and maintain a current list of qualified interpreters who are available to provide interpreter services in the District of Columbia. The list shall include the names of persons who are bilingual interpreters and oral or manual interpreters for hearing-impaired persons.

(3) The Office shall distribute the list of qualified interpreters to appointing authorities upon request.

(4) The Office shall coordinate all requests for interpreter services including scheduling and arranging to provide for all interpreter services requested by appointing authorities.

(5) The Office shall, pursuant to title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Code, sec. 1-1501 et seq.), issue rules that prescribe a schedule of reasonable fees for services rendered by interpreters and shall establish rules governing the method of payment.

(6) The Office shall pay for the salaries, fees, expenses, and costs incident to providing interpreter services as set forth in section 13.

(7) The Office may perform other duties and functions as are necessary to facilitate the use of interpreter services in the District of Columbia.

(c)(1) Whenever an interpreter is required under this act, the appointing authority shall request the Office to assist in locating a qualified interpreter to provide interpreter services. The Office shall promptly assist in locating an interpreter and shall assist with scheduling and arranging to provide for the interpreter services. If the circumstances are such that the appointing authority is unable, or it is impractical, to request the assistance of the Office in locating a qualified interpreter, the appointing authority may arrange for and appoint a qualified interpreter whose name is included on a list of interpreters maintained by the Office.

(2) If none of the listed interpreters is available and communication with a communication-impaired person is required to ascertain information relating to a medical emergency or to determine whether or not to permit that person's immediate release from custody or detention, then the appointing authority shall appoint any person who is able to accurately and simultaneously communicate with and translate information to and from the particular communication-impaired person involved.

(d) In fulfilling the duties and responsibilities set forth in subsection (b) of this section, the Office may contract for interpreter services at a rate of compensation mutually agreed upon by the Office and the interpreter whose services are contracted for, compensate interpreters on an hourly rate or a per diem rate, employ interpreters on a full-time or part-time basis, use qualified volunteer services, or procure the services in any other method consistent with the District of Columbia law. The Office may, with the concurrence of an agency, department, or governmental entity, assign an interpreter to that agency, department, or governmental entity. The assignment shall be made in accordance section with section 2702 of the District of Columbia Comprehensive Merit Personnel Act of 1978, effective March, 1979 (D.C. Law 2-139; D.C. Code, sec. 1-628.2).

Sec. 13. Compensation and payments.

(a) An appointed interpreter shall receive a reasonable fee for the interpreter's services.

(b) The salaries, fees, expenses, and costs incident to providing the services of interpreters under this act shall be paid for by the Office.

(c) Except in cases in which the communication-impaired person is financially unable to obtain adequate interpreter services, the appointing authority in any court of the District of Columbia may direct that all or part of the salaries, fees, expenses, and costs incurred for interpreter

New, D.C.
Code,
sec. 31-271:
(1988 supp.)

services be apportioned among the parties in a civil action or may be taxed as costs in a civil action.

Sec. 14. Amendment.

Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1201; D.C. Code, sec. 1-1501 et seq.), is amended as follows:

(a) Section 109(a) (D.C. Code, sec. 1-1509(a)) is amended by striking the phrase "under section 111".

(b) Section 111 (D.C. Code, sec. 1-1511) is repealed.

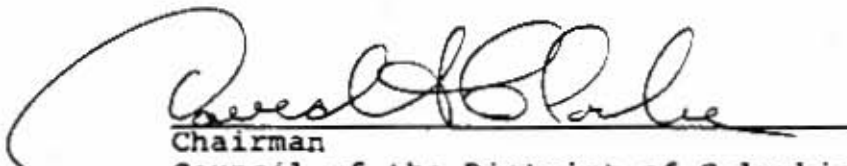
Sec. 15. Application date.

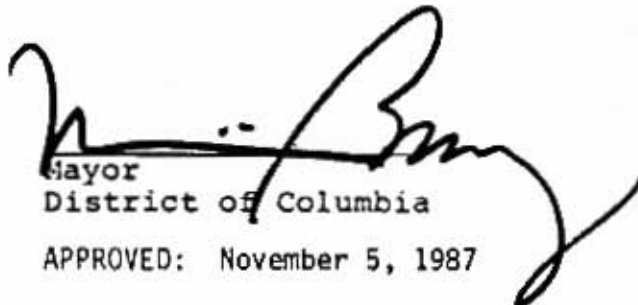
The Interpreters for Hearing-Impaired and Non-English Speaking Persons Act of 1987 shall apply after March 31, 1988.

Sec. 16. Effective date.

This act shall take effect after a 30-day period of Congressional review following approval by the Mayor (or in the event of veto by the Mayor, action by the Council of the District of Columbia to override the veto) as provided in section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code, sec. 1-233(c)(1)).

D.C. Code,
sec. 1-150
(1988 supp
Repealed
D.C. Code,
sec. 1-151
(1988 supp
Note,
Chapter 21
of title 3
and D.C.
Code, secs
1-1509 and
1-1511
(1988 supp


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED: November 5, 1987



COUNCIL OF THE DISTRICT OF COLUMBIA
Council Period Seven

RECORD OF OFFICIAL COUNCIL VOTE

DOCKET NO: B7-108

Item on Consent Calendar

ACTION & DATE: Adopted First Reading, 10-13-87

VOICE VOTE: Unanimous

Recorded vote on request

Absent: all present

ROLL CALL VOTE: — RESULT _____

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					NATHANSON					THOMAS SR.				
CRAWFORD					RAY					WILSON				
JARVIS					ROLARK					WINTER				
KANE					SCHWARTZ									
MASON					SMITH, JR.									

X — Indicates Vote A.B. — Absent N.V. — Present, not voting

CERTIFICATION RECORD

Russell Smith
Secretary to the Council

11-2-87
Date

Item on Consent Calendar

ACTION & DATE: Adopted Final Reading, 10-27-87

VOICE VOTE: Unanimous

Recorded vote on request

Absent: all present

ROLL CALL VOTE: — RESULT _____

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					NATHANSON					THOMAS, SR.				
CRAWFORD					RAY					WILSON				
JARVIS					ROLARK					WINTER				
KANE					SCHWARTZ									
MASON					SMITH, JR.									

X — Indicates Vote A.B. — Absent N.V. — Present, not voting

CERTIFICATION RECORD

Russell Smith
Secretary to the Council

11-2-87
Date

Item on Consent Calendar

ACTION & DATE: _____

VOICE VOTE: _____

Recorded vote on request

Absent: _____

ROLL CALL VOTE: — RESULT _____

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					NATHANSON					THOMAS, SR.				
CRAWFORD					RAY					WILSON				
JARVIS					ROLARK					WINTER				
KANE					SCHWARTZ									
MASON					SMITH, JR.									

X — Indicates Vote A.B. — Absent N.V. — Present, not voting

CERTIFICATION RECORD

Secretary to the Council

Date