S T A T E   O F   N E W   Y O R K

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1728

2013-2014 Regular Sessions

I N   S E N A T E

(PREFILED)

January 9, 2013
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Introduced by Sens. ESPAILLAT, KRUEGER, MONTGOMERY, PERKINS -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

AN ACT to amend the family court act, the criminal procedure law and the domestic relations law, in relation to the duties of interpreters appointed by the courts in certain cases

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1   Section 1. The family court act is amended by adding a new section 169
2 to read as follows:
3   S 169. TRANSLATION OF ORDERS OF PROTECTION. WHERE AN INTERPRETER HAS
4 BEEN APPOINTED BY THE COURT TO ASSIST IN THE PROCEEDING BEFORE THE
5 COURT, THE COURT SHALL ALSO DIRECT SUCH INTERPRETER TO TRANSLATE INTO
6 THE APPROPRIATE LANGUAGE ON THE RECORD, WHILE THE INTERPRETER IS PRESENT
7 IN COURT, THE ESSENTIAL TERMS AND CONDITIONS, AS CLEARLY OUTLINED BY THE
8 COURT, OF ANY ORDER OF PROTECTION OR TEMPORARY ORDER OF PROTECTION
9 ISSUED BY THE COURT UNDER ARTICLE THREE, FOUR, FIVE, SIX, SEVEN, EIGHT
10 OR TEN OF THIS ACT. SUCH TRANSLATION SHALL NOT AFFECT THE VALIDITY OR
11 ENFORCEABILITY OF THE ORDER.
12 S 2. Section 530.12 of the criminal procedure law is amended by adding
13 a new subdivision 5-a to read as follows:
14 5-A. WHERE AN INTERPRETER HAS BEEN APPOINTED BY THE COURT TO ASSIST IN
15 THE PROCEEDING BEFORE THE COURT, THE COURT SHALL ALSO DIRECT SUCH INTER-
16 PRETER TO TRANSLATE INTO THE APPROPRIATE LANGUAGE ON THE RECORD, WHILE
17 THE INTERPRETER IS PRESENT IN COURT, THE ESSENTIAL TERMS AND CONDITIONS,
18 AS CLEARLY OUTLINED BY THE COURT, OF ANY ORDER OF PROTECTION OR TEMPO-
19 RARY ORDER OF PROTECTION ISSUED BY THE COURT PURSUANT TO THIS SECTION.
20 SUCH TRANSLATION SHALL NOT AFFECT THE VALIDITY OR ENFORCEABILITY OF THE
21 ORDER.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

LBD02611-01-3

 1   S 3. Section 530.13 of the criminal procedure law is amended by adding
 2 a new subdivision 4-a to read as follows:
 3   4-A. WHERE AN INTERPRETER HAS BEEN APPOINTED BY THE COURT TO ASSIST IN
 4 THE   PROCEEDING   BEFORE   THE   COURT,   THE COURT   SHALL ALSO DIRECT SUCH
 5 INTERPRETER TO TRANSLATE INTO THE APPROPRIATE LANGUAGE ON THE RECORD,
 6 WHILE   THE   INTERPRETER   IS   PRESENT   IN COURT, THE ESSENTIAL TERMS AND
 7 CONDITIONS, AS CLEARLY OUTLINED BY THE COURT, OF ANY ORDER OF PROTECTION
 8 OR TEMPORARY ORDER OF PROTECTION ISSUED BY THE COURT PURSUANT TO THIS
 9 SECTION. SUCH TRANSLATION SHALL NOT AFFECT THE VALIDITY OR ENFORCEABIL-
10 ITY OF THE ORDER.
11   S 4. Subdivision 3 of section 240 of the domestic relations law is
12 amended by adding a new paragraph a-1 to read as follows:
13   A-1. WHERE AN INTERPRETER HAS BEEN APPOINTED BY THE COURT TO ASSIST IN
14 THE PROCEEDING BEFORE THE COURT, THE COURT SHALL ALSO DIRECT SUCH INTER-
15 PRETER TO TRANSLATE INTO THE APPROPRIATE LANGUAGE ON THE RECORD, WHILE
16 THE INTERPRETER IS PRESENT IN COURT, THE ESSENTIAL TERMS AND CONDITIONS,
17 AS CLEARLY OUTLINED BY THE COURT, OF ANY ORDER OF PROTECTION OR TEMPO-
18 RARY ORDER OF PROTECTION ISSUED BY THE COURT PURSUANT TO THIS SECTION.
19 SUCH TRANSLATION SHALL NOT AFFECT THE VALIDITY OR ENFORCEABILITY OF THE
20 ORDER.
21   S 5. Section 252 of the domestic relations law is amended by adding a
22 new subdivision 1-a to read as follows:
23   1-A. WHERE AN INTERPRETER HAS BEEN APPOINTED BY THE COURT TO ASSIST IN
24 THE PROCEEDING BEFORE THE COURT, THE COURT SHALL ALSO DIRECT SUCH INTER-
25 PRETER TO TRANSLATE INTO THE APPROPRIATE LANGUAGE ON THE RECORD, WHILE
26 THE INTERPRETER IS PRESENT IN COURT, THE ESSENTIAL TERMS AND CONDITIONS,
27 AS CLEARLY OUTLINED BY THE COURT, OF ANY ORDER OF PROTECTION OR TEMPO-
28 RARY ORDER OF PROTECTION ISSUED BY THE COURT PURSUANT TO THIS SECTION.
29 SUCH TRANSLATION SHALL NOT AFFECT THE VALIDITY OR ENFORCEABILITY OF THE
30 ORDER.
31   S 6. This act shall take effect on the ninetieth day after it shall
32 have become a law and shall apply to orders of protection issued on or
33 after such effective date.