

10245

I N   A S S E M B L Y

May 18, 2016

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Introduced by M. of A. JOYNER -- read once and referred to the Committee  
on Judiciary

AN ACT to amend the judiciary law, in relation to requiring the office  
of court administration to collect and maintain data on limited  
English proficient litigants in the state

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

- 1     Section 1. The judiciary law is amended by adding a new section 391 to  
2     read as follows:  
3     S 391. LIMITED ENGLISH PROFICIENT LITIGANTS DATA. 1. FOR THE PURPOSES  
4     OF THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:  
5     (A) "LANGUAGE ASSISTANCE SERVICES" MEANS INTERPRETATION SERVICES  
6     AND/OR TRANSLATION SERVICES PROVIDED BY INTERPRETER PERSONNEL TO A  
7     LIMITED ENGLISH PROFICIENT INDIVIDUAL IN HIS OR HER PRIMARY LANGUAGE TO  
8     ENSURE SUCH INDIVIDUAL'S ABILITY TO COMMUNICATE EFFECTIVELY WITH A  
9     COURT, COURT PERSONNEL AND OTHER PARTIES;  
10    (B) "LIMITED ENGLISH PROFICIENT INDIVIDUAL" MEANS AN INDIVIDUAL WHO  
11    IDENTIFIES AS BEING, OR IS EVIDENTLY, UNABLE TO COMMUNICATE MEANINGFULLY  
12    WITH A COURT, COURT PERSONNEL AND OTHER PARTIES BECAUSE ENGLISH IS NOT  
13    HIS OR HER PRIMARY LANGUAGE;  
14    (C) "PRIMARY LANGUAGE" MEANS THE LANGUAGE IN WHICH A LIMITED ENGLISH  
15    PROFICIENT INDIVIDUAL CHOOSES TO COMMUNICATE WITH OTHERS; AND  
16    (D) "TRANSLATION SERVICES" MEANS ORAL EXPLANATION OR WRITTEN TRANS-  
17    LATION OF DOCUMENTS.  
18    2. THE OFFICE OF COURT ADMINISTRATION SHALL COLLECT AND MAINTAIN DATA  
19    ON ALL LIMITED ENGLISH PROFICIENT INDIVIDUALS WHO ARE LITIGANTS IN  
20    COURTS WITHIN THIS STATE. AT A MINIMUM, THE OFFICE OF COURT ADMINIS-  
21    TRATION SHALL COLLECT AND MAINTAIN DATA ON THE FOLLOWING:  
22    (A) THE NUMBER OF LIMITED ENGLISH PROFICIENT INDIVIDUALS WHO ARE LITI-  
23    GANTS IN COURTS WITHIN THIS STATE, DISAGGREGATED BY COURT AND COUNTY,  
24    AND THE PRIMARY LANGUAGE OF SUCH INDIVIDUALS;  
25    (B) THE NUMBER OF SUCH LIMITED ENGLISH PROFICIENT INDIVIDUALS ACTUALLY  
26    SERVED, DISAGGREGATED BY COURT AND COUNTY, THE TYPE OF LANGUAGE ASSIST-

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

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1 ANCE SERVICES PROVIDED AND THE PRIMARY LANGUAGE OF THE INDIVIDUAL  
2 SERVED; AND

3 (C) THE NUMBER OF INTERPRETER PERSONNEL EMPLOYED BY THE COURTS, DISAG-  
4 GREGATED BY COURT AND COUNTY AND THE LANGUAGE TRANSLATED OR INTERPRETED  
5 BY SUCH PERSONNEL.

6 3. THE OFFICE OF COURT ADMINISTRATION SHALL MAKE THE DATA REQUIRED BY  
7 THIS SECTION PUBLICLY AVAILABLE ON ITS WEBSITE.

8 S 2. This act shall take effect on the one hundred eightieth day after  
9 it shall have become a law; provided, however, that effective immediate-  
10 ly, the addition, amendment and/or repeal of any rule or regulation  
11 necessary for the implementation of this act on its effective date are  
12 authorized and directed to be made and completed on or before such  
13 effective date.