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

3459

2015-2016 Regular Sessions

I N A S S E M B L Y

January 23, 2015

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

AN ACT to amend the judiciary law, in relation to appointment of interpreter for deaf person

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

Section 1. Section 390 of the judiciary law, as amended by chapter 478 of the laws of 1992, is amended to read as follows:

S 390. Appointment of interpreter for deaf person. Whenever any deaf person is a party to a legal proceeding of any nature, or a witness therein, the court in all instances shall appoint: 1. a qualified interpreter who is certified by a recognized national or New York state credentialing authority as approved by the chief administrator of the courts to interpret the proceeding to, and the testimony of, such deaf person; AND 2. AN OFFICIAL COURT REPORTER TO PROVIDE REALTIME COURT REPORTING SERVICES TO THE INDIVIDUAL REQUESTING THE SERVICES. FOR THIS SUBDIVISION, REALTIME COURT REPORTING SERVICES SHALL MEAN INSTANTANEOUS VOICE-TO-TEXT TRANSMISSION THAT TAKES THE SPOKEN WORD AND TRANSLATES IT AS A VERBATIM TRANSCRIPT AND IS OUTPUTTED TO ONE OR MORE END USERS; provided, however, where compliance with this section would cause unreasonable delay in court proceedings, the court shall be authorized to temporarily appoint an interpreter who is otherwise qualified to interpret the proceedings to, and the testimony of, such deaf person until a certified interpreter is available. In any criminal action in a state-funded court, the court shall also appoint such an interpreter to interpret the proceedings to a deaf person who is the victim of the crime or may appoint such interpreter for the deaf members of the immediate family (parent or spouse) of a victim of the crime when specifically requested to do so by such victim or family member. PRIOR TO THE COMMENCEMENT OF THE PROCEEDING, DISCLOSURE MUST BE MADE TO THE JUDGE AND ALL PARTIES, INCLUDING THE INDIVIDUAL REQUIRING THE REALTIME COURT

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

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REPORTING SERVICES, THAT THE RECORD OF PROCEEDINGS WILL NOT INCLUDE THE SPIRIT OF THE SPEAKER OR ENVIRONMENTAL SOUNDS, OR ANY OFF-THE-OFFICIAL-RECORD CONVERSATIONS. The fee for all such interpreting services shall be a charge upon the state at rates of compensation established by rule of the chief administrator; except that where such interpreting services are rendered in a justice court, the fee therefor shall be paid as provided by law in effect on July first, nineteen hundred ninety-one.

S 2. This act shall take effect immediately.