

7939--A

2015-2016 Regular Sessions

I N   A S S E M B L Y

June 1, 2015

---

Introduced by M. of A. WEINSTEIN, SCHIMEL, WEPRIN -- read once and referred to the Committee on Judiciary -- reported and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the judiciary law, in relation to enabling the participation in court proceedings of individuals who are deaf or hard of hearing

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

1     Section 1. Section 390 of the judiciary law, as amended by chapter 478  
2 of the laws of 1992, is amended to read as follows:  
3     S 390. [Appointment of interpreter] EQUAL ACCESS TO COURT PROCEEDINGS  
4 for deaf OR HARD OF HEARING person. 1. Whenever any deaf OR HARD OF  
5 HEARING person is a party to a legal proceeding of any nature, or a  
6 witness OR JUROR OR PROSPECTIVE JUROR therein, the court in all  
7 instances shall appoint a qualified interpreter who is certified by a  
8 recognized national or New York state credentialing authority as  
9 approved by the chief administrator of the courts to interpret the  
10 proceeding to, and the testimony of, such deaf OR HARD OF HEARING  
11 person; provided, however, where compliance with this section would  
12 cause unreasonable delay in court proceedings, the court shall be  
13 authorized to temporarily appoint an interpreter who is otherwise quali-  
14 fied to interpret the proceedings to, and the testimony of, such deaf OR  
15 HARD OF HEARING person until a certified interpreter is available. In  
16 any criminal action in a state-funded court, the court shall also  
17 appoint such an interpreter to interpret the proceedings to a deaf OR  
18 HARD OF HEARING person who is the victim of the crime or may appoint  
19 such interpreter for the deaf OR HARD OF HEARING members of the immedi-  
20 ate family (parent or spouse) of a victim of the crime when specifically  
21 requested to do so by such victim or family member. The fee for all such  
22 interpreting services shall be a charge upon the state at rates of

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

LBD11169-05-5

1 compensation established by rule of the chief administrator; except that  
2 where such interpreting services are rendered in a justice court, the  
3 fee therefor shall be paid as provided by law in effect on July first,  
4 nineteen hundred ninety-one.

5 2. (A) NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION ONE OF THIS  
6 SECTION, A COURT MAY, UPON REQUEST OF A DEAF OR HARD OF HEARING PERSON  
7 OR UPON ITS OWN MOTION, AND IN LIEU OF APPOINTING AN INTERPRETER AS  
8 OTHERWISE REQUIRED IN SUCH SUBDIVISION ONE, PROVIDE AN ASSISTIVE LISTEN-  
9 ING DEVICE, A STENOGRAPHER WHO CAN FURNISH COMMUNICATION ACCESS  
10 REAL-TIME TRANSLATION OR ANY OTHER APPROPRIATE AUXILIARY AID OR SERVICE.

11 (B) FOR PURPOSES OF THIS SUBDIVISION, THE FOLLOWING TERMS SHALL HAVE  
12 THE FOLLOWING MEANINGS:

13 (I) "STENOGRAPHER" MEANS ANY INDIVIDUAL WHO FULFILLS THE REQUIREMENTS  
14 OF SECTION TWO HUNDRED NINETY-ONE OF THIS CHAPTER.

15 (II) "COMMUNICATION ACCESS REAL-TIME TRANSLATION (CART)" MEANS THE  
16 INSTANTANEOUS TRANSLATION OF EVERYTHING THAT IS SPOKEN IN THE COURT ROOM  
17 VIA A REAL-TIME FEED, WHICH BY MEANS OF SOFTWARE CONVERTS SHORTHAND  
18 TRANSCRIPTION INTO REAL-TIME CAPTIONING IMMEDIATELY WHICH CAN BE  
19 DISPLAYED ON A COMPUTER OR MONITOR.

20 S 2. This act shall take effect immediately.