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

7590

I N S E N A T E

May 10, 2016

Introduced by Sen. KLEIN -- read twice and ordered printed, and when printed to be committed 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 ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The judiciary law is amended by adding a new section 391 to read as follows:

S 391. LIMITED ENGLISH PROFICIENT LITIGANTS DATA. 1. FOR THE PURPOSES OF THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

(A) "LANGUAGE ASSISTANCE SERVICES" MEANS INTERPRETATION SERVICES AND/OR TRANSLATION SERVICES PROVIDED BY INTERPRETER PERSONNEL TO A LIMITED ENGLISH PROFICIENT INDIVIDUAL IN HIS OR HER PRIMARY LANGUAGE TO ENSURE SUCH INDIVIDUAL'S ABILITY TO COMMUNICATE EFFECTIVELY WITH A COURT, COURT PERSONNEL AND OTHER PARTIES;

(B) "LIMITED ENGLISH PROFICIENT INDIVIDUAL" MEANS AN INDIVIDUAL WHO IDENTIFIES AS BEING, OR IS EVIDENTLY, UNABLE TO COMMUNICATE MEANINGFULLY WITH A COURT, COURT PERSONNEL AND OTHER PARTIES BECAUSE ENGLISH IS NOT HIS OR HER PRIMARY LANGUAGE;

(C) "PRIMARY LANGUAGE" MEANS THE LANGUAGE IN WHICH A LIMITED ENGLISH PROFICIENT INDIVIDUAL CHOOSES TO COMMUNICATE WITH OTHERS; AND

(D) "TRANSLATION SERVICES" MEANS ORAL EXPLANATION OR WRITTEN TRANSLATION OF DOCUMENTS.

2. THE OFFICE OF COURT ADMINISTRATION SHALL COLLECT AND MAINTAIN DATA ON ALL LIMITED ENGLISH PROFICIENT INDIVIDUALS WHO ARE LITIGANTS IN COURTS WITHIN THIS STATE. AT A MINIMUM, THE OFFICE OF COURT ADMINISTRATION SHALL COLLECT AND MAINTAIN DATA ON THE FOLLOWING:

(A) THE NUMBER OF LIMITED ENGLISH PROFICIENT INDIVIDUALS WHO ARE LITIGANTS IN COURTS WITHIN THIS STATE, DISAGGREGATED BY COURT AND COUNTY, AND THE PRIMARY LANGUAGE OF SUCH INDIVIDUALS;

(B) THE NUMBER OF SUCH LIMITED ENGLISH PROFICIENT INDIVIDUALS ACTUALLY 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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ANCE SERVICES PROVIDED AND THE PRIMARY LANGUAGE OF THE INDIVIDUAL SERVED; AND

(C) THE NUMBER OF INTERPRETER PERSONNEL EMPLOYED BY THE COURTS, DISAGGREGATED BY COURT AND COUNTY AND THE LANGUAGE TRANSLATED OR INTERPRETED BY SUCH PERSONNEL.

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

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