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

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:

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] EQUAL ACCESS TO COURT PROCEEDINGS for deaf OR HARD OF HEARING person. 1. Whenever any deaf OR HARD OF HEARING person is a party to a legal proceeding of any nature, or a witness OR JUROR OR PROSPECTIVE JUROR therein, the court in all instances shall appoint 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 OR HARD OF HEARING person; 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 OR HARD OF HEARING 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 OR HARD OF HEARING person who is the victim of the crime or may appoint such interpreter for the deaf OR HARD OF HEARING 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. The fee for all such 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.

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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.

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

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

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

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

S 2. This act shall take effect immediately.