

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.