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

1788

2015-2016 Regular Sessions

I N S E N A T E

January 14, 2015

Introduced by Sen. ESPAILLAT -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

AN ACT to amend the family court act, the criminal procedure law and the domestic relations law, in relation to the duties of interpreters appointed by the courts in certain cases

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

Section 1. The family court act is amended by adding a new section 169 to read as follows:

S 169. INTERPRETATION OF ORDERS OF PROTECTION. WHERE AN INTERPRETER HAS BEEN APPOINTED BY THE COURT TO ASSIST IN THE PROCEEDING BEFORE THE COURT, THE COURT SHALL ALSO DIRECT SUCH INTERPRETER TO INTERPRET INTO THE APPROPRIATE LANGUAGE ON THE RECORD, WHILE THE INTERPRETER IS PRESENT IN COURT, THE ESSENTIAL TERMS AND CONDITIONS THAT THE COURT SHALL CLEARLY OUTLINE AND READ INTO THE RECORD, OF ANY ORDER OF PROTECTION OR TEMPORARY ORDER OF PROTECTION ISSUED BY THE COURT UNDER ARTICLE THREE, FOUR, FIVE, SIX, SEVEN, EIGHT OR TEN OF THIS ACT. SUCH INTERPRETATION SHALL NOT AFFECT THE VALIDITY OR ENFORCEABILITY OF THE ORDER.

S 2. Section 530.12 of the criminal procedure law is amended by adding a new subdivision 5-a to read as follows:

5-A. WHERE AN INTERPRETER HAS BEEN APPOINTED BY THE COURT TO ASSIST IN THE PROCEEDING BEFORE THE COURT, THE COURT SHALL ALSO DIRECT SUCH INTERPRETER TO INTERPRET INTO THE APPROPRIATE LANGUAGE ON THE RECORD, WHILE THE INTERPRETER IS PRESENT IN COURT, THE ESSENTIAL TERMS AND CONDITIONS THAT THE COURT SHALL CLEARLY OUTLINE AND READ INTO THE RECORD, OF ANY ORDER OF PROTECTION OR TEMPORARY ORDER OF PROTECTION ISSUED BY THE COURT PURSUANT TO THIS SECTION. SUCH INTERPRETATION SHALL NOT AFFECT THE VALIDITY OR ENFORCEABILITY OF THE ORDER.

S 3. Section 530.13 of the criminal procedure law is amended by adding a new subdivision 4-a to read as follows:

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

LBD00095-01-5

4-A. WHERE AN INTERPRETER HAS BEEN APPOINTED BY THE COURT TO ASSIST IN THE PROCEEDING BEFORE THE COURT, THE COURT SHALL ALSO DIRECT SUCH INTERPRETER TO INTERPRET INTO THE APPROPRIATE LANGUAGE ON THE RECORD, WHILE THE INTERPRETER IS PRESENT IN COURT, THE ESSENTIAL TERMS AND CONDITIONS THAT THE COURT SHALL CLEARLY OUTLINE AND READ INTO THE RECORD, OF ANY ORDER OF PROTECTION OR TEMPORARY ORDER OF PROTECTION ISSUED BY THE COURT PURSUANT TO THIS SECTION. SUCH INTERPRETATION SHALL NOT AFFECT THE VALIDITY OR ENFORCEABILITY OF THE ORDER.

S 4. Subdivision 3 of section 240 of the domestic relations law is amended by adding a new paragraph a-1 to read as follows:

A-1. WHERE AN INTERPRETER HAS BEEN APPOINTED BY THE COURT TO ASSIST IN THE PROCEEDING BEFORE THE COURT, THE COURT SHALL ALSO DIRECT SUCH INTERPRETER TO INTERPRET INTO THE APPROPRIATE LANGUAGE ON THE RECORD, WHILE THE INTERPRETER IS PRESENT IN COURT, THE ESSENTIAL TERMS AND CONDITIONS THAT THE COURT SHALL CLEARLY OUTLINE AND READ INTO THE RECORD, OF ANY ORDER OF PROTECTION OR TEMPORARY ORDER OF PROTECTION ISSUED BY THE COURT PURSUANT TO THIS SECTION. SUCH INTERPRETATION SHALL NOT AFFECT THE VALIDITY OR ENFORCEABILITY OF THE ORDER.

S 5. Section 252 of the domestic relations law is amended by adding a new subdivision 1-a to read as follows:

1-A. WHERE AN INTERPRETER HAS BEEN APPOINTED BY THE COURT TO ASSIST IN THE PROCEEDING BEFORE THE COURT, THE COURT SHALL ALSO DIRECT SUCH INTERPRETER TO INTERPRET INTO THE APPROPRIATE LANGUAGE ON THE RECORD, WHILE THE INTERPRETER IS PRESENT IN COURT, THE ESSENTIAL TERMS AND CONDITIONS THAT THE COURT SHALL CLEARLY OUTLINE AND READ INTO THE RECORD, OF ANY ORDER OF PROTECTION OR TEMPORARY ORDER OF PROTECTION ISSUED BY THE COURT PURSUANT TO THIS SECTION. SUCH INTERPRETATION SHALL NOT AFFECT THE VALIDITY OR ENFORCEABILITY OF THE ORDER.

S 6. This act shall take effect on the ninetieth day after it shall have become a law and shall apply to orders of protection issued on or after such effective date.