STATE OF NEW YORK

754

2019-2020 Regular Sessions

IN ASSEMBLY

January 10, 2019

Introduced by M. of A. JOYNER, ORTIZ, GOTTFRIED, SIMON, BARRON, D'URSO, JAFFEE, COLTON, PERRY -- read once and referred 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:

§ 391. Limited English proficient litigants' data. 1. For the purposes of this section, the following terms shall have the following meanings:

(a) "primary language" means the dominant language an individual speaks in everyday situations, including but not limited to their home, work, school, and community environments;

(b) "limited English proficient (LEP) individual" means a participant in a legal proceeding, whose limited ability to speak or understand the English language, has created a communications barrier to understanding his or her legal rights or impairs his or her ability to participate fully in court programs or services;

(c) "language assistance services" means oral and written services needed to assist LEP individuals to communicate effectively with court personnel and to provide LEP individuals with meaningful access to, and an equal opportunity to participate fully in, court programs or services, so that LEP individuals are placed in the same position as similarly situated persons for whom there is no such barrier; and

(d) "translation services" means interpreting the words used by the judge, parties and relevant participants in a legal proceeding from English into an LEP individual's primary language and interpreting the words used by the LEP individual back to English.

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

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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 assistance 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, provided, however, that such data shall not include identifying information and nothing in this section shall be construed to permit the office of court administration to use, disseminate, or publish any identifying information including an individual's name, date of birth, social security number, docket number, or other unique identifier.

§ 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.