

STATE OF NEW YORK

1950

2019-2020 Regular Sessions

IN SENATE

January 18, 2019

Introduced by Sen. BAILEY -- 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:

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

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

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

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

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

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

23 2. The office of court administration shall collect and maintain data
24 on all limited English proficient individuals who are litigants in

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

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1 courts within this state. At a minimum, the office of court adminis-
2 tration shall collect and maintain data on the following:

3 (a) the number of limited English proficient individuals who are liti-
4 gants in courts within this state, disaggregated by court and county,
5 and the primary language of such individuals;

6 (b) the number of such limited English proficient individuals actually
7 served, disaggregated by court and county, the type of language assist-
8 ance services provided and the primary language of the individual
9 served; and

10 (c) the number of interpreter personnel employed by the courts, disag-
11 gregated by court and county and the language translated or interpreted
12 by such personnel.

13 3. The office of court administration shall make the data required by
14 this section publicly available on its website, provided, however, that
15 such data shall not include identifying information and nothing in this
16 section shall be construed to permit the office of court administration
17 to use, disseminate, or publish any identifying information including an
18 individual's name, date of birth, social security number, docket number,
19 or other unique identifier.

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