

# STATE OF NEW YORK

754--A

Cal. No. 376

2019-2020 Regular Sessions

## IN ASSEMBLY

January 10, 2019

Introduced by M. of A. JOYNER, ORTIZ, GOTTFRIED, SIMON, BARRON, D'URSO, JAFFEE, COLTON, PERRY, WEPRIN, CRUZ, REYES -- read once and referred to the Committee on Judiciary -- reported and referred to the Committee on Ways and Means -- reported from committee, advanced to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

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 a litigant speaks  
6 in everyday situations, including but not limited to their home, work,  
7 school, and community environments;

8 (b) "limited English proficient (LEP) litigant" means a participant in  
9 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; and

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

19 2. The office of court administration shall collect and maintain data  
20 on all limited English proficient litigants in all courts within this

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

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1 state; provided, however, that such data shall not be collected from  
2 those courts designated as town or village courts. At a minimum, the  
3 office of court administration shall collect and maintain data on the  
4 following:

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

8 (b) the number of such limited English proficient litigants served,  
9 disaggregated by court and county, the type of language assistance  
10 services provided and the primary language of the litigant served; and

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

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

21 § 2. This act shall take effect on the one hundred eightieth day after  
22 it shall have become a law. Effective immediately, the addition, amend-  
23 ment and/or repeal of any rule or regulation necessary for the implemen-  
24 tation of this act on its effective date are authorized to be made and  
25 completed on or before such effective date.