## STATE OF NEW YORK

6857

2021-2022 Regular Sessions

## IN SENATE

May 19, 2021

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

AN ACT to amend the criminal procedure law, in relation to requiring accurate interpretation of statements made by deponents with limited English proficiency in accusatory instruments and supporting depositions

## The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 100.40 of the criminal procedure law is amended by adding a new subdivision 5 to read as follows: S. Notwithstanding any provision of law to the contrary, where the

4 factual allegations of an accusatory instrument and/or any supporting 5 deposition filed in connection with such instrument consist of a state-6 ment made by a deponent to a public servant or other person in a 7 language other than English, such instrument shall not be sufficient 8 unless it is accompanied by:

9 (a) (i) A statement of the factual allegations written in the 10 deponent's primary language and a signed verification under penalty of 11 perjury in the deponent's primary language; (ii) an English-language 12 translation of the deponent's statement and of the verification written 13 by an interpreter; and (iii) an affidavit by the interpreter stating the 14 interpreter's qualifications and affirming the accuracy of such trans-15 lation; or

16 (b) (i) A written English-language translation of the deponent's oral 17 or written statement of the factual allegations, drafted by an inter-18 preter; and (ii) an affidavit from the interpreter: (A) stating the 19 interpreter's qualifications; (B) affirming that the interpreter accu-20 rately translated such statement into English; (C) affirming that the 21 interpreter accurately communicated the content of the statement to the 22 deponent in the deponent's primary language; (D) affirming that the

23 deponent confirmed the accuracy of the allegations as communicated; and

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

LBD11462-02-1

S. 6857

1	<u>(E)</u>	aff	irming	tha	at the	inter	preter	aco	urat	tely t	ransl	lated	the	veri	ifica-
2	tion	sta	tement	to the witness in th				witness's primary language.						•	
3	S	2.	This	act	shall	take	effect	on	the	ninet	tieth	day	after	it	shall
4	have	bec	ome a	law.											
-	1101 / 0		0												