STATE OF NEW YORK

9806

IN ASSEMBLY

April 9, 2024

Introduced by M. of A. CONRAD -- read once and referred to the Committee on Judiciary

AN ACT to amend the judiciary law, in relation to requiring town and village courts compensate temporary interpreters for deaf or hard of hearing persons

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

Section 1. Section 387 of the judiciary law, as amended by chapter 15 of the laws of 1975, is amended to read as follows:

§ 387. Temporary appointment of interpreters. If the services of an interpreter be required in any court and there be no unemployed official interpreter to act therein, the court may appoint an interpreter to act temporarily in such court. Such interpreter shall before entering upon [~~his~~] **such interpreter's** duties file with the clerk of the court the constitutional oath of office. The court shall fix the compensation of such interpreter [~~at not more than twenty five~~] **a minimum of one hundred ten** dollars per day for each day's actual attendance by direction of the presiding judge or justice and such compensation shall be paid from the court fund of the county upon the order of the court**, provided, however, that if the compensation of the temporary interpreter is greater than one hundred ten dollars per day, the amount in excess of one hundred ten dollars shall be paid by the town or village where the court is located**.

§ 2. Subdivision 1 of section 390 of the judiciary law, as amended by chapter 272 of the laws of 2015, is amended to read as follows:

1. Whenever any deaf or hard of hearing person is a party to a legal proceeding of any nature, or a witness or juror or prospective juror therein, the court in all instances shall appoint a qualified interpreter who is certified by a recognized national or New York state credentialing authority as approved by the chief administrator of the courts to interpret the proceeding to, and the testimony of, such deaf or hard of hearing person; provided, however, where compliance with this section would cause unreasonable delay in court proceedings, the court shall be authorized to temporarily appoint an interpreter who is otherwise quali-

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

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fied to interpret the proceedings to, and the testimony of, such deaf or hard of hearing person until a certified interpreter is available. In any criminal action in a state-funded court, the court shall also appoint such an interpreter to interpret the proceedings to a deaf or hard of hearing person who is the victim of the crime or may appoint such interpreter for the deaf or hard of hearing members of the immediate family (parent or spouse) of a victim of the crime when specifically requested to do so by such victim or family member. The fee for all such interpreting services shall be a charge upon the state at rates of compensation established by rule of the chief administrator; except that where such interpreting services are rendered in a justice court, the fee therefor shall be paid as provided by law in effect on July first, nineteen hundred ninety-one**, and where temporary interpreter services are rendered, the fee therefor shall be paid as provided in section three hundred eighty-seven of this article**.

§ 3. This act shall take effect immediately.