

BILL ANALYSIS

Senate Research Center

H.B. 2735
By: Thompson (Bernsen)
Jurisprudence
5/10/2001
Engrossed

DIGEST AND PURPOSE

Currently, in Texas there are over 400 district courts and 800 county courts at law in which some participants in the court process do not speak or fully comprehend English or are deaf or hearing impaired. The Texas judicial system does not have a statewide standard for interpreters who assist these participants. H.B. 2735 sets forth provisions for the establishment and administration of programs for the certification of court interpreters to aid non-English speaking and hearing-impaired individuals within the judicial system.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Commission for the Deaf and Hard of Hearing in SECTION 1 (Sections 57.021, 57.022, and 57.025, Government Code) of this bill.

Rulemaking authority is expressly granted to the commissioner of licensing and regulation in SECTION 1 (Section 57.043, Government Code) of this bill.

Rulemaking authority is expressly granted to the Texas Commission of Licensing and Regulation in SECTION 1 (Section 57.045, Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Title 2D, Government Code, by adding Chapter 57, as follows:

CHAPTER 57. COURT INTERPRETERS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 57.001. DEFINITIONS. Defines “certified court interpreter,” “commission,” “executive director,” “hearing-impaired individual,” “licensed court interpreter,” and “real-time captioning.”

Sec. 57.002. APPOINTMENT OF INTERPRETER. Sets forth provisions for the appointment of a certified court interpreter.

[Reserves Sections 57.003-57.020 for expansion]

SUBCHAPTER B. INTERPRETERS FOR HEARING-IMPAIRED INDIVIDUALS

Sec. 57.021. COURT INTERPRETER CERTIFICATION PROGRAM. Sets forth provisions regarding the certification by the Texas Commission for the Deaf and Hard of Hearing (commission) of court interpreters for the purpose of interpreting court proceedings for a hearing-impaired individual.

Sec. 57.022. CERTIFICATION; RULES. Requires the commission to certify an applicant

who passes the appropriate examination prescribed by the commission and who possesses the other qualifications required by rules adopted under this subchapter. Requires the commission by rule to provide for certain functions and procedures.

Sec. 57.023. EXAMINATIONS. Sets forth provisions regarding the preparation and administration of an examination on certain information in the field in which an applicant seeks certification to be given by the commission.

Sec. 57.024. EXECUTIVE DIRECTOR DUTIES. Sets forth provisions regarding certain duties of the executive director.

Sec. 57.025. DENIAL, SUSPENSION, OR REVOCATION OF CERTIFICATE. Requires the commission to adopt rules establishing the grounds for denial, suspension, revocation, and reinstatement of a certificate issued under this subchapter. Authorizes the commission to revoke or suspend certification under this subchapter only after a hearing. Authorizes the commission to reissue a certificate to a person whose certificate has been revoked if the person applies in writing to the commission and shows good cause to justify reissuance of the certificate.

Sec. 57.026. PROHIBITED ACTS. Prohibits a person from advertising, representing to be, or acting as a certified court interpreter unless the person holds an appropriate certificate under this subchapter.

Sec. 57.027. CRIMINAL OFFENSE; ADMINISTRATIVE PENALTY. Provides that a person commits an offense if the person violates this subchapter or a rule adopted under this subchapter. Provides that an offense under this subsection is a Class A misdemeanor. Provides that a person who violates this subchapter or a rule adopted under this subchapter is subject to an administrative penalty assessed by the commission.

[Reserves Sections 57.028-57.040 for expansion]

SUBCHAPTER C. COURT INTERPRETERS FOR INDIVIDUALS WHO DO NOT COMMUNICATE IN ENGLISH

Sec. 57.041. DEFINITIONS. Defines “board,” “commission,” “commissioner,” “department,” and “licensed court interpreter.”

Sec. 57.042. LICENSED COURT INTERPRETER ADVISORY BOARD. Sets forth provisions regarding the establishment, composition, member appointment, meetings, and compensation of the licensed court interpreter advisory board (board).

Sec. 57.043. ISSUANCE OF LICENSE; TERM. Sets forth provisions regarding the issuance of a court interpreter license by the commission, including related rulemaking authority.

Sec. 57.044. COURT INTERPRETER LICENSE. Sets forth provisions regarding certain application and qualification requirements of a court interpreter license applicant.

Sec. 57.045. FEES. Requires the commission by rule to set license and examination fees under this subchapter.

Sec. 57.046. EXAMINATIONS. Sets forth provisions regarding the preparation and administration of an examination on certain information relating to interpreting to be given by the commission.

Sec. 57.047. COMMISSIONER AND DEPARTMENT DUTIES; INSPECTIONS.

Requires the commissioner of licensing and regulation (commissioner) to enforce this subchapter. Requires the Department of Licensing and Regulation (department) to investigate allegations of violations of this subchapter.

Sec. 57.048. SUSPENSION AND REVOCATION OF LICENSES; REISSUANCE. Sets forth provisions regarding the suspension, revocation, and reissuance of a court interpreter license by the commissioner.

Sec. 57.049. PROHIBITED ACTS. Prohibits a person from advertising, representing to be, or acting as a licensed court interpreter unless the person holds an appropriate license under this subchapter.

Sec. 57.050. OFFENSE; ADMINISTRATIVE PENALTY. Provides that a person commits an offense if the person violates this subchapter or a rule adopted under this subchapter. An offense under this subsection is a Class A misdemeanor. Provides that a person who violates this subchapter or a rule adopted under this subchapter is subject to an administrative penalty assessed by the commission as provided by Chapter 51F, Occupations Code.

Sec. 57.051. SUNSET. Provides that the licensed court interpreter advisory board is subject to Chapter 325, Government Code (Texas Sunset Act). Provides that unless continued in existence as provided by that chapter, the board is abolished and this subchapter expires September 1, 2013.

SECTION 2. Sets forth provisions regarding the initial appointment of board members and the determination of the initial terms of those members, including the certain specific dates.

SECTION 3. (a) Effective date: September 1, 2001, except as provided by Subsection (b) of this section.

(b) Provides that Sections 57.026, 57.027, 57.048, and 57.049, Government Code, as added by this Act, take effect January 1, 2002.

SECTION 4. Provides that a person is not required to hold a certificate under Subchapter B, Chapter 57, Government Code, as added by this Act, or a license under Subchapter C, Chapter 57, Government Code, as added by this Act, before January 1, 2002.

SECTION 5. Authorizes a person who is practicing as a court interpreter as described by Chapter 57, Government Code, as added by this Act, before September 1, 2001, to be licensed without examination by submitting to the executive director of the commission or to the department, as appropriate, proof of the person's experience on an application prescribed by the executive director or the commissioner of licensing and regulation not later than January 1, 2002, and paying the required fees. Authorizes a license issued under this section to be renewed in the same manner as other licenses issued under the applicable law.