

BILL ANALYSIS

Senate Research Center
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H.B. 1601
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Criminal Justice
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Engrossed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Under current law, defendants must be arraigned and/or magistrated within 24-48 hours of their arrest, depending on the nature of the charge against them. In cases involving non-English speaking defendants, some counties are having difficulty meeting the legal time limit because certified interpreters are not immediately available. This legislation will ensure that all defendants, regardless of their ability to speak English, will have equal access to justice.

H.B. 1601 permits the use of private telephonic interpretive services by counties that are not able to meet the needs of non-English speaking defendants. The telephone services would be available 24-hours-a-day by certified and qualified court interpreters. The bill also allows a judge to place a condition on community supervision that requires the defendant to reimburse the county for the interpreter's fee.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article 38.30, Code of Criminal Procedure, by amending Subsections (a) and (b), and adding Subsection (a-1), as follows:

(a) Requires an interpreter to be sworn to interpret for the person charged or the witness, when a motion for appointment of an interpreter is filed by any party or on motion of the court, in any criminal proceeding, it is determined that a person charged or a witness does not understand and speak the English language. Makes a conforming change.

(a-1) Authorizes a qualified telephone interpreter to be sworn to interpret for the person in the trial of a Class C misdemeanor or a proceeding before a magistrate, if an interpreter is not available to appear in person before the court or if the only available interpreter is not considered to possess adequate interpreting skills for the particular situation or is unfamiliar with the use of slang. Defines "qualified telephone interpreter."

(b) Makes a conforming change.

SECTION 2. Amends Section 11(a), Article 42.12, Code of Criminal Procedure, to authorize the conditions of community supervision to include, but not be limited to, the conditions that the defendant is required to reimburse the county in which the prosecution was instituted for compensation paid to any interpreter in the case.

SECTION 3. Makes application of Section 11(a), Article 42.12, Code of Criminal Procedure, as amended by this Act, prospective.

SECTION 4. Effective date: September 1, 2005.