

By: Representative Green

To: County Affairs

HOUSE BILL NO. 686

1 AN ACT TO ESTABLISH A VOLUNTEER COURT INTERPRETER SYSTEM; TO
2 ENACT DEFINITIONS; TO REQUIRE VOLUNTEER INTERPRETERS TO SUBSCRIBE
3 TO AN OATH OF FIDELITY AND CONFIDENTIALITY; TO ENACT TRAINING
4 REQUIREMENTS; AND FOR RELATED PURPOSES.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

6 **SECTION 1. Definitions.** The following words and phrases
7 shall have the meanings ascribed to them unless the context
8 clearly requires otherwise:

9 (a) "Non-English speaker" means any party or witness
10 who cannot readily understand or communicate in spoken English and
11 who consequently cannot equally participate in or benefit from the
12 proceedings unless an interpreter is available to assist the
13 individual. The fact that a person for whom English is a second
14 language knows some English does not prohibit that individual from
15 being allowed to have an interpreter.

16 (b) "Interpreter" means any person authorized by a
17 court and competent to translate or interpret oral or written
18 communication in a foreign language during court proceedings.

19 (c) "Court proceedings" means a proceeding before any
20 court of this state or a grand jury hearing.

21 **SECTION 2. Volunteer Interpreter System Created.** There is
22 hereby created a Volunteer Interpreter System for the use of the
23 courts when any judge determines that any party to a proceeding
24 before the court does not speak English well enough to
25 meaningfully participate in the proceeding on the person's own
26 behalf.

27 **SECTION 3. Oath and Confidentiality.** (1) Prior to
28 providing any service to a non-English speaking person, the

29 volunteer interpreter shall subscribe to an oath that he or she
30 shall interpret all communications in an accurate manner to the
31 best of the volunteer interpreter's skill and knowledge.

32 (2) The oath shall conform substantially to the following
33 form:

34 INTERPRETER'S OATH

35 Do you solemnly swear or affirm that you will faithfully
36 interpret from (state the language) into English and from English
37 into (state the language) the proceedings before this court in an
38 accurate manner to the best of your skill and knowledge?

39 (3) Volunteer interpreters shall not voluntarily disclose
40 any admission or communication that is declared to be confidential
41 or privileged under state law. Out-of-court disclosures made by a
42 non-English speaker communicating through a volunteer interpreter
43 shall be treated by the volunteer interpreter as confidential or
44 privileged or both unless the court orders the volunteer
45 interpreter to disclose such communications or the non-English
46 speaker waives such confidentiality or privilege.

47 (4) Volunteer interpreters shall not publicly discuss,
48 report or offer an opinion concerning a matter in which they are
49 engaged, even when that information is not privileged or required
50 by law to be confidential.

51 (5) The presence of a volunteer interpreter shall not affect
52 the privileged nature of any discussion.

53 **SECTION 4. Training.** Volunteer interpreters, in order to be
54 eligible to appointment by a court, shall have undergone such
55 training in the particulars of the operation of the courts of this
56 state as may be prescribed by rule of the Supreme Court.

57 **SECTION 5.** This act shall take effect and be in force from
58 and after July 1, 2005.