

2014 -- S 2233

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2014

A N A C T

RELATING TO COURTS AND CIVIL PROCEDURE--COURTS

Introduced By: Senator Joshua Miller

Date Introduced: January 30, 2014

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 8-5-8 and 8-5-8.3 of the General Laws in Chapter 8-5 entitled
2 "Court Secretaries, Court Reporters, and Electronic Court Reporters" are hereby amended to read
3 as follows:

4 **8-5-8. Sign language interpreters/transliterators and Communication Access**
5 **Realtime Translation (CART) providers for deaf, hard of hearing, and deaf-blind persons.**

6 **[Effective July 1, 2014.]** -- (a) In all civil and criminal cases, in workers' compensation, district,
7 family, and superior court proceedings, mental health court competency hearings, state traffic
8 tribunals, and in any case in any municipal court, including, but not limited to, ~~on-site~~ [a state and](#)
9 [municipal court-ordered or](#) court-provided alternative dispute resolution, mediation, arbitration,
10 diversion/intervention program or treatment; and in an administrative, commission, or agency
11 hearing; pursuant to chapter 18 of this title, where a party or a witness is a person who is deaf,
12 hard of hearing, or deaf-blind or a juvenile whose parent or parents are deaf, hard of hearing, or
13 deaf-blind is brought before a court for any reason, he or she shall have the proceedings
14 accessible to him or her in a language that he or she can understand by a sign language
15 interpreter/transliterator, or a CART provider appointed by the court. In any case where a sign
16 language interpreter/transliterator, or a CART provider is required to be appointed by the court
17 under this section, the court shall not commence proceedings until the appointed sign language
18 interpreter/transliterator, or a CART provider is in court in a position not exceeding ten feet (10')
19 from and in full view of the person who is deaf, hard of hearing, or deaf-blind. The sign language

1 interpreter/transliterators, or a CART provider appointed under the terms of the section shall be
2 required to take an oath that he or she will make a legally equivalent, linguistically true
3 interpretation, transliteration, or transcription for the person who is deaf, hard of hearing, or deaf-
4 blind of all the proceedings or hearings of the case or claim in a language that he or she
5 understands; and will orally transfer the meaning of the answer and any other statements of the
6 person who is deaf, hard of hearing, or deaf-blind to questions to counsel or the court in the
7 English language with exactitude, while accurately reflecting the form and content of the
8 linguistic and paralinguistic elements of the speaker's discourse.

9 Assistive listening devices are other reasonable and effective auxiliary aids available
10 provided for the deaf, hard of hearing, and deaf-blind who need to maximize their engagement in
11 the proceedings or hearings in addition to interpreters/transliterators and/or CART providers.

12 (b) For the purposes of this section, "sign language interpreter/transliterators" means a
13 person who is a certified interpreter as defined in chapter 5-71 in providing the interpreting and
14 transliterating services for the deaf, hard of hearing, and deaf-blind. "CART provider" means a
15 person who is a qualified communication access realtime translation (CART) service provider
16 certified by the national court reporters association. "Paralinguistic elements" means a non-verbal
17 element of language, including all of the pauses, hedges, self-corrections, hesitations, and
18 emotion as they are conveyed through tone of voice, word choice, level of formality, tone of
19 voice, and intonation. "Assistive listening device (ALD) or assistive listening system (ALS)"
20 means instruments that are designed to improve a person's ability to hear in specific listening
21 situations. Some ALDs amplify a sound signal, but the primary purpose of an ALD is to make the
22 targeted sound easier to hear by isolating the sound source from surrounding noise. Examples are
23 induction loop systems, frequency-modulated (FM) systems, infrared systems, and personal
24 amplifiers. A sign language interpreter/transliterators, or a CART provider shall be deemed
25 qualified in accordance with United States department of justice regulations effectuating Title II
26 of the federal "Americans with disabilities act of 1990", as from time to time may be amended,
27 Pub. L. 101-336, codified at 42 U.S.C. section 12101, et. seq., including regulations, analysis, and
28 technical assistance and as determined by the definition of the Rhode Island general laws 5-71
29 and the Commission on the Deaf and Hard of Hearing, based upon recommendations from the,
30 the National Association of the Deaf, the National Registry of Interpreters for the Deaf, the
31 National Hearing Loss Association of America and other appropriate agencies. The Commission
32 on the Deaf and Hard of Hearing shall coordinate all requests for qualified sign language
33 interpreters/transliterators and CART providers and shall maintain a list of all such sign language
34 interpreters/transliterators and CART providers from which it shall fill such requests. No sign

1 language interpreter/transliterater and CART provider is precluded from being further examined
2 by the court system.

3 (c) Sign language interpreters/transliteraters and CART providers appointed under the
4 terms of the section shall be paid by the state or municipality a reasonable compensation fixed by
5 the court.

6 **8-5-8.3. Visual recording of testimony. [Effective July 1, 2014.] --** At the request of
7 any party to the proceeding or the hearing or on the appointing authority's initiative, the
8 appointing authority may order that the testimony of the person who is deaf, hard of hearing, and
9 deaf-blind and the interpretation/transliteration of the proceeding by the qualified
10 interpreter/transliterater be visually recorded for use in verification of the official transcript of the
11 proceeding or hearing.

12 In any judicial proceeding involving a capital offense, the appointing authority ~~may~~ shall
13 order that the testimony of the person who is deaf, hard of hearing, and deaf-blind and the
14 interpretation/transliteration of the proceeding or the hearing by the qualified
15 interpreter/transliterater be visually recorded for use in verification of the official transcript of the
16 proceeding or the hearing.

17 SECTION 2. This act shall take effect on July 1, 2014.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO COURTS AND CIVIL PROCEDURE--COURTS

- 1 This act would require a sign language or communication access realtime translation
- 2 (CART) provider for many court proceedings.
- 3 This act would take effect on July 1, 2014.

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