



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
SB1950

Introduced 2/25/2005, by Sen. John J. Cullerton

SYNOPSIS AS INTRODUCED:

705 ILCS 78/Act rep.
705 ILCS 405/5-612 new
725 ILCS 140/Act title
725 ILCS 140/0.01 from Ch. 38, par. 165-10
725 ILCS 140/1 from Ch. 38, par. 165-11
725 ILCS 140/3 from Ch. 38, par. 165-13
725 ILCS 140/4 new

Repeals the Foreign Language Court Interpreter Act. Amends the Criminal Proceeding Interpreter Act. Changes the short title to the Court Interpreters Act. Provides that the court shall appoint an interpreter upon a motion made under the Delinquent Minors Article of the Juvenile Court Act of 1987 if the court determines that the individual for whom the interpreter is requested is not capable of understanding the English language or expressing himself or herself in the English language so as to be understood directly by counsel or court, and amends the Juvenile Court Act of 1987 accordingly. Provides that, from funds appropriated to the Department of Financial and Professional Regulation by the General Assembly for the purpose, the Department shall reimburse counties for the costs associated with required court interpreter services under the Delinquent Minors Article of the Juvenile Court Act of 1987. Provides that the Department shall develop qualifications for court appointed interpreters, compile and issue an examination for applicants for certification as foreign language interpreters, and certify interpreters who satisfactorily complete the examination. Provides that the Department may charge a reasonable fee for application and certification and that the fees shall be deposited into the Foreign Language Interpreter Fund. Provides that the costs of testing and certifying foreign language interpreters under the Act may be paid, subject to appropriation, from the Fund or any other source of funds available for those purposes. Provides that, for purposes of the State Finance Act, the Department is the successor to the Supreme Court with respect to the Foreign Language Interpreter Fund and the testing and certification of foreign language court interpreters. Provides that the Department shall maintain a list of certified foreign language interpreters and distribute the list to chief judges. Provides that the court shall appoint foreign language interpreters from the list in criminal and juvenile delinquency proceedings. Provides that, if a certified foreign language interpreter is unavailable, an uncertified interpreter may be appointed under specified circumstances and that a person entitled to the services of a foreign language interpreter may waive those services and provide an interpreter at his or her own expense.

LRB094 07774 WGH 41585 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

1 AN ACT concerning the courts.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 (705 ILCS 78/Act rep.)

5 Section 5. The Foreign Language Court Interpreter Act is
6 repealed.

7 Section 10. The Juvenile Court Act of 1987 is amended by
8 adding Section 5-612 as follows:

9 (705 ILCS 405/5-612 new)

10 Sec. 5-612. Court interpreter. At the adjudicatory
11 hearing, the court shall, upon its own motion or that of the
12 State, the guardian ad litem of the minor, the minor's parent,
13 the legal guardian, the person having custody or control over
14 the minor, or the nearest known relative if named in the
15 petition, appoint a qualified interpreter to interpret the
16 proceedings and testimony for any persons who are respondents
17 in the proceedings and to interpret any statements or testimony
18 that those respondents may be called upon to give to the court.
19 The appointments shall be made in accordance with the Court
20 Interpreters Act.

21 Section 15. The Criminal Proceeding Interpreter Act is
22 amended by changing the title of the Act and Sections 0.01, 1,
23 and 3 and by adding Section 4 as follows:

24 (725 ILCS 140/Act title)

25 An Act relating to the appointment of interpreters in State
26 courts in certain juvenile and criminal proceedings.

27 (725 ILCS 140/0.01) (from Ch. 38, par. 165-10)

28 Sec. 0.01. Short title. This Act may be cited as the Court

1 Interpreters Criminal Proceeding Interpreter Act.

2 (Source: P.A. 86-1324.)

3 (725 ILCS 140/1) (from Ch. 38, par. 165-11)

4 Sec. 1. Appointment.

5 (a) Whenever any person accused of committing a felony or
6 misdemeanor is to be tried in any court of this State, the
7 court shall upon its own motion or that of defense or
8 prosecution determine whether the accused is capable of
9 understanding the English language and is capable of expressing
10 himself in the English language so as to be understood directly
11 by counsel, court or jury. If the court finds the accused
12 incapable of so understanding or so expressing himself, the
13 court shall appoint an interpreter for the accused in
14 accordance with this Act ~~whom he can understand and who can~~
15 ~~understand him.~~

16 (b) The court shall appoint a foreign language interpreter
17 upon a motion made under Section 5-612 of the Juvenile Court
18 Act of 1987 if the court determines that the individual for
19 whom the interpreter is requested is not capable of
20 understanding the English language or expressing himself or
21 herself in the English language so as to be understood directly
22 by counsel or court.

23 (c) In compliance with the federal Americans with
24 Disabilities Act of 1990, the right to communications access
25 through a sign language interpreter or other means shall extend
26 to a person with a disability who is accused of a violation of
27 any penal statute of this State.

28 (Source: P.A. 88-201.)

29 (725 ILCS 140/3) (from Ch. 38, par. 165-13)

30 Sec. 3. The court shall determine a reasonable fee for all
31 such interpreter services which shall be paid out of the
32 general county funds. However, from funds appropriated to the
33 Department of Financial and Professional Regulation by the
34 General Assembly for this purpose, the Department shall

1 reimburse counties for the costs associated with foreign
2 language interpreter services required under subsection (b) of
3 Section 1 of this Act.

4 (Source: P.A. 77-1527.)

5 (725 ILCS 140/4 new)

6 Sec. 4. Court-appointed foreign language interpreters;
7 qualifications.

8 (a) The Department of Financial and Professional
9 Regulation shall develop standards of qualifications for
10 court-appointed foreign language interpreters. Consistent with
11 those standards, the Department shall compile and issue an
12 examination that adequately tests any applicant for
13 certification as to his or her competence to interpret the
14 language for which that applicant seeks to become certified.
15 The examination shall be written and oral. The Department shall
16 certify foreign language interpreters who have satisfactorily
17 completed the examination. The Department may charge a
18 reasonable fee for application and certification. The fee shall
19 be set by the Department by rule. Application and certification
20 fees shall be deposited into the Foreign Language Interpreter
21 Fund in the State treasury. The costs of testing and certifying
22 foreign language interpreters under this Act may be paid,
23 subject to appropriation, from the Foreign Language
24 Interpreter Fund or any other source of funds available for
25 those purposes. For the purposes of Section 9b of the State
26 Finance Act, the Department is the successor to the Supreme
27 Court with respect to the Foreign Language Interpreter Fund and
28 the testing and certification of foreign language court
29 interpreters.

30 (b) The Department shall maintain an updated list of
31 certified foreign language interpreters and distribute copies
32 of the list to the chief judges of each of the judicial
33 circuits. The court shall appoint foreign language
34 interpreters from the list when complying with subsection (a)
35 or (b) of Section 1 of this Act. In making appointments,

1 preference shall be given to certified foreign language
2 interpreters located closest to the locality in which the
3 services of the foreign language interpreters are needed.

4 (c) If a certified foreign language interpreter is
5 unavailable, an uncertified foreign language interpreter may
6 be appointed if, in the opinion of the court, the uncertified
7 foreign language interpreter is competent to serve as a foreign
8 language interpreter under the circumstances of the case.

9 (d) A person entitled to the services of a foreign language
10 interpreter under this Act may waive those services. The waiver
11 must be in writing and approved by the court. A person who has
12 waived the services of a foreign language interpreter under
13 this Act may provide his or her own foreign language
14 interpreter at his or her own expense, without regard to
15 whether that foreign language interpreter is certified or
16 qualified under this Act.