

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **SB 113** SLS 21RS 123

Bill Text Version: **ORIGINAL**

Opp. Chamb. Action:

Proposed Amd.:

Sub. Bill For.:

Date: April 12, 2021	5:46 PM	Author: TARVER, GREGORY
Dept./Agy.: Courts		Analyst: Rebecca Robinson
Subject: Interpreters for non-English speaking persons in civil cases		

CIVIL PROCEDURE

OR SEE FISC NOTE LF RV

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Provides relative to interpreters for non-English-speaking persons in civil protective order cases. (gov sig)

Proposed legislation amends the Code of Civil Procedure and requires all courts in Louisiana to provide interpreters to non-English speaking persons at the cost of the court.

Proposed legislation, as written, does not change the procedure for the cost to provide interpreters to non-English speaking persons in domestic abuse cases, under R.S. 46:2134, *et seq.* All costs for interpreters are born by the perpetrator of the domestic violence; unless the case is found to be frivolous, in which case the cost will be born by the non-prevailing party (R.S. 46:2136.1).

EXPENDITURES	2021-22	2022-23	2023-24	2024-25	2025-26	5 -YEAR TOTAL
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	\$0
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	\$0
Ded./Other	\$0	\$0	\$0	\$0	\$0	\$0
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	INCREASE	INCREASE	INCREASE	INCREASE	INCREASE	
Annual Total						

REVENUES	2021-22	2022-23	2023-24	2024-25	2025-26	5 -YEAR TOTAL
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	\$0
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	\$0
Ded./Other	\$0	\$0	\$0	\$0	\$0	\$0
Federal Funds	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	
Local Funds	DECREASE	DECREASE	DECREASE	DECREASE	DECREASE	
Annual Total						

EXPENDITURE EXPLANATION

There will be an increase in the expenditures of local funds of all courts throughout the state of Louisiana.

Present law allows the courts to be reimbursed for interpreter services as costs of court in civil cases.

Proposed legislation would require all courts to provide interpreters at the cost of the court (and not recouped as costs of court). The proposed legislation is pursuant to an agreement between the U.S. Department of Justice (DOJ) and the Louisiana Supreme Court (LSC), whereby the judiciary will develop "a language assistance program that will provide oral and written language assistance at no cost to limited English proficient (LEP) individuals in all state court proceedings and operation," and to bring Louisiana into compliance with Title VI of the Civil Rights Act of 1964. *NOTE: The LSC reports that providing interpreters free of charge, regardless of the type of case, is the practice and policy of all other states.*

The LFO received some information from the judicial districts regarding the amount spent on interpreters for LEP individuals in the past. Some districts indicated a low number of interpreters needed and a low annual cost of \$1,500. However, some of the larger judicial districts reported a larger yearly expense for interpreters, one in particular estimated their cost at \$100,000 a year.

REVENUE EXPLANATION

There will be an indeterminable decrease in self-generated revenue of the local courts due to the reduction of court costs that may be applied to civil litigants for interpreter services.

Federal law does not allow courts to charge for interpreters in any type of case if the court receives any type of federal funds. Louisiana receives federal grants to fund drug courts, Operating Vehicle Under the Influence (OVI) courts, court improvement grants, Federal Motor Carrier Safety Administration grants, Louisiana Protective Order training and domestic violence training grants, and other DOJ grants that flow through the Louisiana Commission on Law Enforcement. *NOTE: The LSC reports that the failure to provide interpreters to LEP individuals would put Louisiana's courts at risk for losing millions of dollars in grants.*

Senate
 13.5.1 >= \$100,000 Annual Fiscal Cost {S & H}
 13.5.2 >= \$500,000 Annual Tax or Fee Change {S & H}

House
 6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S}
 6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S}

Alan M. Boxberger

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