

2022 Regular Session

HOUSE CONCURRENT RESOLUTION NO. 71

BY REPRESENTATIVE WHITE

A CONCURRENT RESOLUTION

To urge and request the Louisiana State Law Institute to study proposed changes by the Office of Language Access Stakeholder Committee of the Louisiana Supreme Court and make recommendations to the Legislature of Louisiana regarding the laws on the use of interpreters in court proceedings.

WHEREAS, the Language Access Plan in Louisiana Courts was approved by the Supreme Court of Louisiana and was the result of the Memorandum of Agreement with the United States Department of Justice; and

WHEREAS, the Memorandum of Agreement requires the exploration of revisions to state laws to provide language assistance services at no cost to individuals with limited English proficiency in all state court proceedings and operations; and

WHEREAS, there has been an increased need for qualified interpreters in court proceedings; and

WHEREAS, concerns have arisen as to whether current state laws regarding interpreter qualifications adequately provide for the processes of appointment, qualifications, and competence of interpreters; and

WHEREAS, Code of Evidence Article 604 provides that an interpreter shall be qualified as an expert and shall give an oath or affirmation to make a true translation of testimony in court proceedings; and

WHEREAS, Code of Evidence Article 702 provides that a witness who is qualified as an expert may testify in the form of an opinion or otherwise; and

WHEREAS, while interpreters may qualify as experts, it is well accepted that interpreters do not give opinions; and

WHEREAS, standards and guidance to follow when considering the competence of an interpreter for purposes of qualification, as well as avenues to challenge the accuracy of the interpretation itself are absent from Louisiana laws; and

WHEREAS, judicial efficiency may be enhanced through the clarification of rules governing interpreters and interpretations in Louisiana law.

THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby urge and request that the Louisiana State Law Institute study the Office of Language Access Stakeholder Committee's proposed changes, when received, and give recommendations, if any, to the laws on the use of interpreters in court proceedings to enhance judicial efficiency and clarity within the rules of evidence and procedure.

BE IT FURTHER RESOLVED that a copy of this Concurrent Resolution be transmitted to the director of the Louisiana State Law Institute and that the Louisiana State Law Institute report its findings and recommendation to the Legislature of Louisiana on or before April 28, 2023.

BE IT FURTHER RESOLVED that the Louisiana State Law Institute shall submit one print copy and one electronic copy of any report produced pursuant to this Resolution to the David R. Poynter Legislative Research Library as required by R.S. 24:772.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE