

2024 Regular Session

SENATE BILL NO. 103

BY SENATOR DUPLESSIS (On Recommendation of the Louisiana State Law Institute)

COURTS. Provides for the appointment of interpreters in court proceedings. (8/1/24)

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AN ACT

To amend and reenact Code of Civil Procedure Art. 192.2, Code of Criminal Procedure Art. 25.1 and 433(A) and (C), and Code of Evidence Art. 604, and to enact Code of Evidence Art. 604.1, relative to the appointment of interpreters in court proceedings; to provide for the appointment of interpreters in civil proceedings; to provide for the appointment of interpreters in criminal proceedings; to provide for persons permitted to be present at grand jury sessions; to provide for the qualifications of court-appointed interpreters; to provide for recordation and retention of interpreted communications; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Civil Procedure Art. 192.2 is hereby amended and reenacted to read as follows:

Art. 192.2. Appointment of interpreter for non-English-speaking persons

A. If a non-English-speaking person who is a ~~principal party in interest~~ or a witness in a proceeding before the court has requested **that the court appoint** an interpreter **for the proceeding**, a judge shall appoint, ~~after consultation with the non-English-speaking person or his attorney, a competent interpreter to interpret or~~

1 jury:

2 (a) The district attorney and assistant district attorneys or any one or more of
3 them;

4 (b) The attorney general and assistant attorneys general or any one or more
5 of them;

6 (c) The witness under examination;

7 (d) A person sworn to record the proceedings of and the testimony given
8 before the grand jury; ~~and~~

9 (e) An interpreter sworn to translate the testimony of a witness who is ~~unable~~
10 ~~to speak the~~ **a limited** English language **proficient or deaf individual**.

11 (2) An attorney for a target of the grand jury's investigation may be present
12 during the testimony of ~~said~~ **the** target. The attorney shall be prohibited from
13 objecting, addressing, or arguing before the grand jury; however, **the attorney he**
14 may consult with his client at ~~anytime~~ **any time**. The court shall remove ~~such~~ **the**
15 attorney for a violation of these conditions. If a witness becomes a target because of
16 his testimony, the legal advisor to the grand jury shall inform ~~him~~ **the witness** of his
17 right to counsel and cease questioning until ~~such~~ **the** witness has obtained counsel
18 or voluntarily and intelligently waived his right to counsel. Any evidence or
19 testimony obtained under the provisions of this Subparagraph from a witness who
20 later becomes a target shall not be admissible in a proceeding against him.

21 * * *

22 C. A person who is intentionally present at a meeting of the grand jury,
23 except as authorized by Paragraph A of this ~~article~~ **Article**, shall be in constructive
24 contempt of court.

25 Section 3. Code of Evidence Art. 604 is hereby amended and reenacted and Code of
26 Evidence Art. 604.1 is hereby enacted to read as follows:

27 Art. 604. Interpreters

28 An interpreter is subject to the provisions of this Code **and the Rules of the**
29 **Louisiana Supreme Court** relating to qualification as ~~an expert~~ **a court-appointed**

1 interpreter and the administration of an oath or affirmation that ~~he~~ the interpreter
2 will make a true translation or interpretation.

3 Comments – 2024

4 The amendments to this Article make clear that the regulation and use of interpreters
5 in court proceedings are set forth in the Rules of the Louisiana Supreme Court. The
6 amendments also clarify that this Article applies to interpreters who are appointed by the
7 court as officers of the court, as distinguished from interpreters who are retained by a party
8 for the party's own purposes. In accordance with the Rules of the Louisiana Supreme Court,
9 the amendment also observes the distinction between interpretation and translation. An
10 interpretation involves hearing information spoken in one language and orally relaying the
11 information to another in a manner that preserves the language's meaning. A translation
12 consists of taking information that has been written in one language and conveying it in
13 writing in another language while preserving the language's meaning.

14 Art. 604.1. Qualifications of interpreters; interpretations

15 A. If a party objects to the qualifications of any court-appointed
16 interpreter, the party or the party's attorney shall have the right to conduct a
17 voir dire examination of the interpreter.

18 B. If a qualified interpreter is not available for a court proceeding, upon
19 the consent of all parties, the court may appoint a person who the court and
20 parties agree will be able to accurately interpret the proceeding in a fair and
21 impartial manner. Before giving consent, the party or the party's attorney shall
22 have the right to conduct a voir dire examination of the interpreter.

23 C. Any party may object to the interpretation or translation of an
24 interpreter.

25 D. In all court proceedings in a court of record, interpreted
26 communications with the court shall be recorded in an audio or audiovisual
27 format. The recordings shall be retained by the court.

28 E. Nothing in this Article prevents any party from having its own
29 interpreter at any proceeding for the party's own purposes.

30 Comments – 2024

31 This Article is new and sets forth the procedure for objecting to the qualifications of
32 a court-appointed interpreter and selecting an interpreter when a qualified interpreter is not
33 available. This Article also provides for the recordation and retention of interpreted
34 communications in all proceedings in a court of record and permits a party to have its own
35 interpreter present at any proceeding for the party's own purposes.

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