

2019 Regular Session

SENATE BILL NO. 71

BY SENATOR CARTER

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

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

1 AN ACT
2 To amend and reenact Code of Civil Procedure Art. 192.2 and to amend and reenact R.S.
3 46:2134(A), relative to interpreters in certain civil proceedings; to provide for
4 appointment of an interpreter for a non-English-speaking person who is a principal
5 party in interest or a witness; to provide relative to the appointment of an interpreter
6 in civil protective order proceedings before the court; to provide relative to costs; to
7 provide procedures and conditions; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

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

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

12 A. If a non-English-speaking person who is a principal party in interest or a
13 witness in a proceeding before the court has requested an interpreter, a judge shall
14 appoint, after consultation with the non-English-speaking person or his attorney, a
15 competent interpreter to interpret or to translate the proceedings to him and to
16 interpret or translate his testimony.

17 B. The court shall order ~~reimbursement~~ **payment** to the interpreter for his

1 services at a fixed reasonable amount, and that amount shall be ~~taxed by the court as~~
 2 ~~costs of court~~ **paid out of the appropriate court fund, except as provided in**
 3 **Paragraph C. The amount paid out of the fund may be taxed by the court as**
 4 **costs of court to be reimbursed to the fund.**

5 **C. In a proceeding alleging abuse under R.S. 46:2134 et seq., an**
 6 **interpreter if necessary shall be appointed prior to a rule to show cause hearing.**

7 Section 2. R.S. 46:2134 (A) is hereby amended and reenacted to read as follows:
 8 §2134. Petition

9 A. A petition filed under the provisions of this Part shall contain the
 10 following:

11 (1) The name of each petitioner and each person on whose behalf the petition
 12 is filed, and the name, address, and parish of residence of each individual alleged to
 13 have committed abuse, if known; if the petition is being filed on behalf of a child or
 14 person alleged to be incompetent, the relationship between that person and the
 15 petitioner.

16 (2) The facts and circumstances concerning the alleged abuse.

17 (3) The relationship between each petitioner and each individual alleged to
 18 have committed abuse.

19 (4) A request for one or more protective orders.

20 **(5) If desired, a request for a competent interpreter for a non-English-**
 21 **speaking principal party or witness to the proceeding.**

22 * * *

23 Section 3. This Act shall become effective upon signature by the governor or, if not
 24 signed by the governor, upon expiration of the time for bills to become law without signature
 25 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 26 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 27 effective on the day following such approval.

The original instrument was prepared by Xavier Alexander. The following digest, which does not constitute a part of the legislative instrument, was prepared by Laura Gail Sullivan.

DIGEST

SB 71 Reengrossed

2019 Regular Session

Carter

Present law requires in a civil proceeding a judge to appoint a competent interpreter to interpret the proceedings to a non-English-speaking person who is a principal party in interest or a witness in a proceeding before the court.

Proposed law retains present law and further provides that an interpreter shall be appointed prior to the rule to show cause if it is determined that an interpreter is necessary.

Present law requires the court to order reimbursement, as court costs, to the interpreter for his services at a fixed reasonable amount in civil proceedings.

Proposed law requires the court to order payment out of the court fund to the interpreter for his services at a fixed reasonable amount in civil proceedings. Specifies that the amount paid out of the court fund may be taxed by the court as costs of court to be reimbursed to the fund.

Present law provides that a petition for civil protective order shall contain the following:

- (1) The name of each petitioner and each person on whose behalf the petition is filed, and the name, address, and parish of residence of each individual alleged to have committed abuse, if known; if the petition is being filed on behalf of a child or person alleged to be incompetent, the relationship between that person and the petitioner.
- (2) The facts and circumstances concerning the alleged abuse.
- (3) The relationship between each petitioner and each individual alleged to have committed abuse.
- (4) A request for one or more protective orders.

Proposed law maintains present law and further provides that the petition shall contain a request for a competent interpreter for non-English-speaking petitioner or witness.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends C.C.P. Art. 192.2 and R.S. 46:2134(A))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary A to the original bill

1. Changed "judicial fund" to "court fund".

Summary of Amendments Adopted by Senate

Senate Floor Amendments to engrossed bill

1. Specify that the amount paid out of the court fund may be taxed by the court as costs of court to be reimbursed to the fund.