

2022 Regular Session

HOUSE CONCURRENT RESOLUTION NO. 71

BY REPRESENTATIVE WHITE

CIVIL/PROCEDURE: Requests the La. State Law Institute to study certain proposed changes relative to the use of interpreters in court proceedings

1 A CONCURRENT RESOLUTION

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

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

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

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

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

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

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

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

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

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

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

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

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

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HCR 71 Engrossed

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Requests the La. State Law Institute to study and make recommendations regarding the Office of Language Access Stakeholder Committee's proposed changes to the laws on the use of interpreters in court proceedings.