

SENATE BILL NO. 103

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

1 AN ACT

2 To amend and reenact Code of Civil Procedure Art. 192.2, Code of Criminal Procedure Art.
3 25.1 and 433(A) and (C), and Code of Evidence Art. 604, and to enact Code of
4 Evidence Art. 604.1, relative to the appointment of interpreters in court proceedings;
5 to provide for the appointment of interpreters in civil proceedings; to provide for the
6 appointment of interpreters in criminal proceedings; to provide for persons permitted
7 to be present at grand jury sessions; to provide for the qualifications of
8 court-appointed interpreters; to provide for recordation and retention of interpreted
9 communications; and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

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

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

14 A. If a non-English-speaking person who is a ~~principal party in interest~~ or a
15 witness in a proceeding before the court has requested **that the court appoint** an
16 interpreter **for the proceeding**, a judge shall appoint, ~~after consultation with the~~
17 ~~non-English-speaking person or his attorney, a competent interpreter to interpret or~~
18 ~~to translate the proceedings to him and to interpret or translate his testimony~~ **an**
19 **interpreter in accordance with the Code of Evidence and the Rules of the**
20 **Louisiana Supreme Court.**

21 B. Notwithstanding any other provision of law to the contrary, the court shall
22 order payment to the **court-appointed** interpreter for his services at a fixed
23 reasonable amount, and that amount shall be paid out of the appropriate court fund.

24 C. In a proceeding alleging abuse ~~under~~ **in accordance with** R.S. 46:2134 et
25 seq., an interpreter, if necessary, shall be appointed prior to a rule to show cause
26 hearing.

27 Section 2. Code of Criminal Procedure Arts. 25.1 and 433(A) and (C) are hereby

1 amended and reenacted to read as follows:

2 Art. 25.1. Appointment of interpreter for ~~non-English-speaking persons~~

3 A. ~~If a non-English-speaking person who is a principal party in interest or a~~
4 ~~witness in a proceeding before the court has requested an interpreter, a judge shall~~
5 ~~appoint, after consultation with the non-English-speaking person or his attorney, a~~
6 ~~competent interpreter to interpret or to translate the proceedings to him and to~~
7 ~~interpret or translate his testimony.~~ **The court shall appoint an interpreter in**
8 **accordance with the Code of Evidence and the Rules of the Louisiana Supreme**
9 **Court for any person who is a party or witness upon a determination that the**
10 **person is a limited English proficient or deaf individual.**

11 B. ~~The court shall order reimbursement to the interpreter for his services at~~
12 ~~a fixed reasonable amount.~~ **The cost of providing a qualified court interpreter**
13 **shall be paid out of the appropriate court fund.**

14 Comments – 2024

15 Rules regulating the use of interpreters in court proceedings and court
16 operations are set forth in Part G, Section 14 of the Rules of the Louisiana Supreme
17 Court and in Code of Evidence Articles 604 and 604.1.

18 * * *

19 Art. 433. Persons present during grand jury sessions

20 A.(1) Only the following persons may be present at the sessions of the grand
21 jury:

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

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

26 (c) The witness under examination;

27 (d) A person sworn to record the proceedings of and the testimony given
28 before the grand jury; ~~and.~~

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

31 (2) An attorney for a target of the grand jury's investigation may be present

1 during the testimony of ~~said~~ **the** target. The attorney shall be prohibited from
 2 objecting, addressing, or arguing before the grand jury; however, **the attorney he**
 3 may consult with his client at ~~anytime~~ **any time**. The court shall remove ~~such~~ **the**
 4 attorney for a violation of these conditions. If a witness becomes a target because of
 5 his testimony, the legal advisor to the grand jury shall inform ~~him~~ **the witness** of his
 6 right to counsel and cease questioning until ~~such~~ **the** witness has obtained counsel
 7 or voluntarily and intelligently waived his right to counsel. Any evidence or
 8 testimony obtained under the provisions of this Subparagraph from a witness who
 9 later becomes a target shall not be admissible in a proceeding against him.

10 * * *

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

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

16 Art. 604. Interpreters

17 An interpreter is subject to the provisions of this Code **and the Rules of the**
 18 **Louisiana Supreme Court** relating to qualification as ~~an expert~~ **a court-appointed**
 19 **interpreter** and the administration of an oath or affirmation that ~~he~~ **the interpreter**
 20 will make a true translation **or interpretation**.

21 Comments – 2024

22 The amendments to this Article make clear that the regulation and use of interpreters
 23 in court proceedings are set forth in the Rules of the Louisiana Supreme Court. The
 24 amendments also clarify that this Article applies to interpreters who are appointed by the
 25 court as officers of the court, as distinguished from interpreters who are retained by a party
 26 for the party's own purposes. In accordance with the Rules of the Louisiana Supreme Court,
 27 the amendment also observes the distinction between interpretation and translation. An
 28 interpretation involves hearing information spoken in one language and orally relaying the
 29 information to another in a manner that preserves the language's meaning. A translation
 30 consists of taking information that has been written in one language and conveying it in
 31 writing in another language while preserving the language's meaning.

32 **Art. 604.1. Qualifications of interpreters; interpretations**

33 **A. If a party objects to the qualifications of any court-appointed**
 34 **interpreter, the party or the party's attorney shall have the right to conduct a**

1 voir dire examination of the interpreter.

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

7 C. Any party may object to the interpretation or translation of an
8 interpreter.

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

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

14 Comments – 2024

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

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____