

**HB144 ENROLLED**



1 YK3SN6-2  
2 By Representative Hill  
3 RFD: Judiciary  
4 First Read: 21-Mar-23  
5  
6 2023 Regular Session



## HB144 Enrolled

1 Enrolled, An Act,

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4 Relating to courts; to amend Section 15-1-3, Code of  
5 Alabama 1975, to provide for a certification process for court  
6 interpreters.

7 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

8 Section 1. Section 15-1-3, Code of Alabama 1975, is  
9 amended to read:

10 "§15-1-3

11 (a) (1) If at any stage of a criminal proceeding,  
12 protection from abuse proceeding, or juvenile court proceeding  
13 or during the juvenile court intake process conducted pursuant  
14 to Sections 12-15-118 and 12-15-120 and Rule 12 of the Alabama  
15 Rules of Juvenile Procedure, the defendant, juvenile,  
16 complainant, petitioner, or a witness informs the court that  
17 he or she does not speak or adequately understand the English  
18 language, the court may appoint an interpreter.

19 (2) The defendant, juvenile, complainant, petitioner,  
20 or witness shall inform the appropriate court of his or her  
21 need for an interpreter immediately upon receiving notice to  
22 appear in the court.

23 (3) If the court determines that due process  
24 considerations require an interpreter, the court shall appoint  
25 a qualified person to interpret the proceedings for the  
26 defendant, juvenile, complainant, petitioner, or witness  
27 requesting assistance. The interpreter shall also interpret  
28 the testimony or statements of the defendant, juvenile,



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29 complainant, petitioner, or witness, and, where applicable,  
30 assist in communications with counsel.

31 (4) If the court has reason to believe that the  
32 defendant, juvenile, complainant, petitioner, or witness  
33 requesting an interpreter is capable of speaking and  
34 understanding the English language, the court may require that  
35 the requestor provide reasonable proof to the court of his or  
36 her inability to speak or understand the English language.

37 (b) Upon appointment, an interpreter shall swear under  
38 oath that he or she will render a true and clear  
39 interpretation to the best of his or her skill and judgment.

40 (c) The relations and communications between an  
41 appointed interpreter and the requestor are placed on the same  
42 basis as those provided by law between attorney and client.  
43 Any information obtained by an interpreter from the requestor  
44 pertaining to any proceeding then pending shall at all times  
45 remain confidential and privileged, unless the requestor  
46 expresses a desire that the information be communicated to  
47 another person.

48 (d) An interpreter appointed pursuant to this section  
49 shall be entitled to a fee in an amount calculated according  
50 to a fee schedule established by the Administrative Director  
51 of Courts with the advice and consent of the state Comptroller  
52 for his or her services. The fee shall be in addition to  
53 actual expenses for travel and transportation. If the  
54 interpreter is appointed by a district, circuit, or appellate  
55 court the interpreter shall submit his or her expenses to the  
56 judge making the appointment for approval. After approval, the



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57 clerk of the court shall forward the expenses of the  
58 interpreter to the state Comptroller to be paid from the fund  
59 within the State General Fund known as "court assessed costs  
60 not provided for." If the interpreter is appointed by another  
61 authority, the fee shall be paid out of funds available to  
62 that appointing authority. Nothing in this section shall  
63 prohibit the court from taxing the costs of the interpreter  
64 against one or more of the parties for immediate payment or  
65 from requiring reimbursement to the state at a later date.

66 (e) (1) An individual may become certified as an  
67 interpreter after successfully passing an interpretation test  
68 created and administered by the Administrative Office of  
69 Courts, or an entity approved by the Administrative Office of  
70 Courts.

71 (2) The Administrative Office of Courts may establish a  
72 mandatory certification fee, paid by the individual seeking  
73 certification, to cover the costs of developing,  
74 administering, and grading the interpretation test.

75 (3) The Administrative Office of Courts may use the  
76 funds collected from the certification fee to pay any costs  
77 associated with the development, administration, or grading of  
78 the interpretation test.

79 (4) The fees shall be deposited in the State Judicial  
80 Administration Fund established in Section 12-19-310."

81 Section 2. This act shall become effective on the first  
82 day of the third month following its passage and approval by  
83 the Governor, or its otherwise becoming law.



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Speaker of the House of Representatives

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President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in and was passed by the House 11-Apr-23.

John Treadwell  
Clerk

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Senate **27-Apr-23**

Passed