

CHAPTER 1179  
COURT PERSONNEL

S. F. 2306

AN ACT relating to court personnel including magistrates, judges of the district court, judges of the court of appeals, supreme court justices and court appointed interpreters and to the compensation and expenses thereof.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section six hundred two point thirty-one (602.31), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter two (2), section thirteen (13), is amended to read as follows:

602.31 SALARY, EXPENSES, RETIREMENT. The annual salary of each district associate judge, payable from the general fund of the state of Iowa, shall be a sum set by the general assembly. District associate judges shall also receive from the state their actual and necessary expenses in the performance of their duties ~~away--from-the-city-of-their-residence,~~ in accordance with section 605.2. District associate judges who are members of the judicial retirement system under chapter 605A shall remain members thereof; but the state of Iowa, instead of the city and county, shall deduct four percent from their salaries for the judicial retirement fund and shall contribute the public's portion to the judicial retirement fund.

Sec. 2. Section six hundred two point fifty-four (602.54), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter two (2), section fourteen (14), is amended to read as follows:

602.54 SALARY, EXPENSES. Each judicial magistrate shall receive a salary payable from the general fund of the state and also his or her actual and necessary expenses in the performance of his or her duties ~~while--away--from the--city--of--his--or--her--residence,~~ in accordance with section 605.2. The salary of judicial magistrates, except as otherwise provided herein, shall be the sum set by the general assembly. The judicial magistrates serving pursuant to section 602.51 shall receive an annual salary in an amount set by the general assembly. Judicial magistrates appointed pursuant to section 602.51 except district associate judges shall be members of the Iowa public employees' retirement system. Judicial magistrates appointed pursuant to either section 602.50 or section 602.58 may elect to be members of the Iowa public employees' retirement system upon filing notice in writing with the Iowa department of job service and the court administrator of the judicial department.

Sec. 3. Section six hundred five point two (605.2), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter three (3), section eight (8), is amended to read as follows:

605.2 EXPENSES. Where Except as provided in section six hundred eighty-four point fifty-three (684.53) of the Code, where a magistrate or judge of

the district court, court of appeals or supreme court is required to travel, in the discharge of official duties, ~~to leave the county of the magistrate's or judge's residence~~, the magistrate or judge shall may be paid such actual and necessary expenses incurred in the performance of his or her duties not to exceed a maximum amount set by the supreme court by rule prescribing the maximum amount, terms and conditions for reimbursement.

Sec. 4. NEW SECTION.

1. As used in this Act, unless the context otherwise requires:

a. "Hearing impaired person" means a person whose hearing is impaired so that the person cannot understand oral communication when spoken in a normal conversational tone and also includes a person who, because of a speech or other physical impairment, is unable to orally communicate with other persons and therefore relies primarily on sign language to communicate.

b. "Interpreter" means an interpreter who is fluent in sign language pursuant to rules on qualifications of interpreters applying to the proceeding.

c. "Administrative agency" means any department, board, commission or agency of the state or any political subdivision of the state.

2. The supreme court, after consultation with the department of health, shall adopt rules governing the qualifications and compensation of interpreters appearing in a proceeding before a court, grand jury or administrative agency under this Act. However, an administrative agency which is subject to chapter seventeen A (17A) of the Code may adopt rules differing from those of the supreme court governing the qualifications and compensation of interpreters appearing in proceedings before that agency.

Sec. 5. NEW SECTION. If a hearing impaired person is a party to, or a witness at, a proceeding before a grand jury, court or administrative agency of this state, the court or administrative agency shall appoint an interpreter without expense to the hearing impaired person to interpret or translate the proceedings to the hearing impaired person and to interpret or translate his or her testimony unless the hearing impaired person waives the right to an interpreter.

Sec. 6. NEW SECTION. When a hearing impaired person is entitled to an interpreter the hearing impaired person shall notify the presiding official within three days after receiving notice of the proceeding, stating the disability and requesting the services of an interpreter. If the hearing impaired person receives notification of an appearance less than five days prior to the proceeding, that person shall notify the presiding official requesting an interpreter as soon as practicable or may apply for a continuance until an interpreter is appointed.

Sec. 7. NEW SECTION. The service program for the deaf of the state department of health shall prepare and continually update a listing of qualified and available interpreters. The courts and administrative agencies shall maintain a directory of qualified interpreters for hearing impaired persons as furnished by the state department of health. The service program for the deaf shall maintain information on the qualifications of interpreters which is confidential except to a court, administrative agency or interested parties to an action using the services of such interpreter.

Sec. 8. NEW SECTION. Before participating in a proceeding, an interpreter shall take an oath that the interpreter will make a true interpretation in an understandable manner to the person for whom the interpreter is appointed and that the interpreter will interpret or translate the statements of the hearing impaired person to the best of the interpreter's skills and judgment.

Sec. 9. NEW SECTION. Communication between a hearing impaired person and a third party which is privileged under chapter six hundred twenty-two (622) of the Code in which the interpreter participates as an interpreter shall be privileged to the interpreter.

Sec. 10. NEW SECTION. An interpreter appointed under this Act is entitled to a reasonable fee and expenses as determined by the rules applying to that proceeding. This schedule shall be furnished to all courts and administrative agencies and maintained by them. If the interpreter is appointed by the court, the fee and expenses shall be paid out of the court expense fund and if the interpreter is appointed by an administrative agency, the fee and expenses shall be paid out of funds available to the administrative agency. If a hearing impaired person is not a party to the action, the fees and expenses of an interpreter shall be charged to costs.

Sec. 11. NEW SECTION. On motion of a party or on its own motion, a court or administrative agency shall inquire into the qualifications and integrity of an interpreter. A court or administrative agency may disqualify for good reason any person from serving as an interpreter in that proceeding. If an interpreter is disqualified, the court or administrative agency shall appoint another interpreter.

Sec. 12. Section six hundred twenty-two A point two (622A.2), Code 1979, is amended to read as follows:

622A.2 WHO ENTITLED TO INTERPRETER. Every person who cannot speak or understand the English language, ~~or every person who because of hearing, speaking or other impairment has difficulty in communicating with other persons,~~ and who is a party to any legal proceeding or a witness therein, shall be entitled to an interpreter to assist such person throughout the proceeding.

Approved May 20, 1980