



[HF 2558](#) – Interpreters, Judicial Branch (LSB5325SV)
Staff Contact: Laura Book (515.205.9275) laura.book@legis.iowa.gov
Fiscal Note Version – New

Description

[House File 2558](#) relates to interpreters for limited-English-proficient (LEP) persons and sign language interpreters for deaf and hard-of-hearing persons in legal proceedings. The Bill provides that the State Court Administrator shall receive, review, and pay fee claims for interpreters from the Jury and Witness Revolving Fund established in Iowa Code section [602.1302\(3\)](#).

The Bill also provides that costs and fees associated with interpreters are not payable from the Indigent Defense Fund. The result of the Bill, in part, is that the Judicial Branch is to assume responsibility for the review and payment of interpreter and translator claims formerly paid by the Indigent Defense Fund. The Bill takes effect October 1, 2020.

Background

Currently, four state agencies may pay oral language interpreters, depending on the case type and economic status of the person needing an interpreter:

- 1) State Public Defender — Pays interpreters who work on behalf of indigent parties who are LEP and who are represented by assigned counsel in criminal and juvenile cases.
- 2) Local Public Defender Field Offices — Pay interpreters who work on behalf of indigent parties represented by public defenders in criminal and juvenile cases.
- 3) Counties — Pay all sign language interpreters in court proceedings and oral language interpreters who assist LEP persons who are subjects of mental health commitment proceedings.
- 4) State Court Administrator — Pays interpreters appointed for LEP parties in all other cases.

Assumptions

Oral language interpreter fees for LEP indigent persons represented by public defenders or court-appointed counsel will be the same in FY 2021 as those expenses were in FY 2019.

Fiscal Impact

[House File 2558](#) is estimated to cost approximately \$500,000 in interpreter fees from the Jury and Witness Revolving Fund. Currently, the State Public Defender pays these fees from the Indigent Defense Fund. This Bill would transfer those costs to the Revolving Fund. As a result, the Indigent Defense Fund would experience a savings of approximately the same amount. The following table shows the court interpreter fees paid by local public defender (PD) field offices and the State Public Defender from the Indigent Defense Fund for the last three fiscal years.

Court Interpreter Fees Paid by Local PD Offices and the State Public Defender

Funding Source	FY 2017	FY 2018	FY 2019
PD Field Offices	\$ 126,927	\$ 91,110	\$ 115,147
State Public Defender	287,169	356,878	384,729
	<u>\$ 414,096</u>	<u>\$ 447,988</u>	<u>\$ 499,876</u>

Although a funds transfer is not authorized in this Bill, if the funds necessary to pay the interpreter fees were transferred from the Indigent Defense Fund budget to the Jury and Witness Revolving Fund beginning in FY 2021, there would be a minimal impact to the State Public Defender's operations. The amount represents approximately 1.0% of the State Public Defender's indigent defense budget, and the work of reviewing interpreter claims is spread among four employees. Given the remaining workload of these employees, the shift of interpreter claims to the Judicial Branch would not significantly reduce their workload and would not reduce or eliminate the necessity of any staff.

Sources

Judicial Branch
Office of the State Public Defender

/s/ Holly M. Lyons

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The fiscal note for this Bill was prepared pursuant to [Joint Rule 17](#) and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.

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