



[HF 445](#) – Court Interpreters (LSB1372HV)
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 Fiscal Note Version – New

Description

[House File 445](#) relates to interpreters and translators 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 is to receive, review, and pay fee claims for interpreters and translators 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 and translators 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 November 1, 2021. Funding appropriated to the Indigent Defense Fund in FY 2022 must be used by the State Public Defender for payment of costs and fees of interpreters and translators received prior to the effective date of this Bill. On November 1, 2021, any FY 2022 funds appropriated to the Indigent Defense Fund for this purpose must be transferred to the Jury and Witness Revolving Fund.

Background

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

- 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.
- Local Public Defender Field Offices — Pays interpreters who work on behalf of indigent parties represented by public defenders in criminal and juvenile cases.
- Counties — Pays all sign language interpreters in court proceedings and oral language interpreters who assist LEP persons who are subjects of mental health commitment proceedings.
- 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 2022 as those expenses were in FY 2019, and similar to prior fiscal years. **Table 1** shows the court interpreter fees paid by the State Public Defender from the Indigent Defense Fund for the last four fiscal years.

Table 1 — Court Interpreter Fees Paid by the State Public Defender

FY 2017	FY 2018	FY 2019	FY 2020
\$ 414,096	\$ 447,989	\$ 499,876	\$ 292,196

- Since the pandemic significantly reduced the number of court proceedings and demand for interpreters during March through June 2020, the FY 2020 interpreter expenses are not indicative of future costs.
- The Indigent Defense Fund currently pays out approximately \$42,000 in interpreter fees per month.

Fiscal Impact

House File 445 is estimated to increase funding and costs to the Jury and Witness Revolving Fund by approximately \$500,000 beginning in FY 2023. Currently, the State Public Defender pays these interpreter fees from the Indigent Defense Fund. This Bill would transfer the budgeted interpreter fee funds from the Indigent Defense Fund to the Jury and Witness Revolving Fund on November 1, 2021. Since the transfer of funds would occur four months into the fiscal year, some interpreter costs would still be paid out of the Indigent Defense fund during FY 2022. Any budgeted interpreter fee funds remaining after the effective date will be transferred to the Jury and Witness Revolving Fund for payment of interpreter costs.

Table 2 shows the estimated expenditures from the Indigent Defense Fund and Jury and Witness Revolving Fund for interpreter fees beginning in FY 2022.

Table 2 — Estimated Interpreter Fee Funding and Costs Beginning in FY 2022

		FY 2022	FY 2023
Indigent Defense Fund	Available/Budgeted Funds	\$ 500,000	\$ 0
	Interpreter Fees	-166,667	0
	Remaining Funds/Transfer	<u>\$ 333,333</u>	<u>\$ 0</u>
Jury and Witness Fund	Transferred/Available Funds	\$ 333,333	\$ 500,000
	Interpreter Fees	-333,333	-500,000
	Estimated Impact to Fund	<u>\$ 0</u>	<u>\$ 0</u>

Sources

Office of the State Public Defender
Judicial Branch

/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.