

**House File 671 - Introduced**

HOUSE FILE 671  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 195)

**A BILL FOR**

1 An Act relating to state-funded interpreters and translators  
2 for limited-English-proficient, deaf, and hard-of-hearing  
3 persons in certain court proceedings and court-related  
4 activities.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 232.141, subsections 1 and 2, Code 2019,  
2 are amended to read as follows:

3 1. Except as otherwise provided by law, the court shall  
4 inquire into the ability of the child or the child's parent  
5 to pay expenses incurred pursuant to [subsections 2, 4, and 8](#).  
6 After giving the parent a reasonable opportunity to be heard,  
7 the court may order the parent to pay all or part of the costs  
8 of the child's care, examination, treatment, legal expenses, or  
9 other expenses, excluding the costs and fees of oral language  
10 interpreters and translators, who shall be paid pursuant to  
11 section 622A.3, and sign language interpreters, who shall be  
12 paid pursuant to section 622B.7. An order entered under this  
13 section does not obligate a parent paying child support under a  
14 custody decree, except that part of the monthly support payment  
15 may be used to satisfy the obligations imposed by the order  
16 entered pursuant to [this section](#). If a parent fails to pay as  
17 ordered, without good reason, the court may proceed against  
18 the parent for contempt and may inform the county attorney who  
19 shall proceed against the parent to collect the unpaid amount.  
20 Any payment ordered by the court shall be a judgment against  
21 each of the child's parents and a lien as provided in section  
22 624.23. If all or part of the amount that the parents are  
23 ordered to pay is subsequently paid by the county or state,  
24 the judgment and lien shall thereafter be against each of the  
25 parents in favor of the county to the extent of the county's  
26 payments and in favor of the state to the extent of the state's  
27 payments.

28 2. All of the following juvenile court expenses are a charge  
29 upon the county in which the proceedings are held, to the  
30 extent provided in [subsection 3](#):

31 a. Juvenile court expenses incurred by an attorney appointed  
32 by the court to serve as counsel to any party or to serve as a  
33 guardian ad litem for any child, including ~~fees and expenses~~  
34 ~~for foreign language interpreters~~, costs of depositions and  
35 transcripts, fees and mileage of witnesses, and the expenses of

1 officers serving notices and subpoenas.

2     *b.* Reasonable compensation for an attorney appointed by the  
3 court to serve as counsel to any party or as guardian ad litem  
4 for any child in juvenile court.

5     ~~*c.* Fees and expenses incurred by the juvenile court for  
6 foreign language interpreters for court proceedings.~~

7     Sec. 2. Section 331.424, subsection 1, paragraph a,  
8 subparagraph (6), Code 2019, is amended to read as follows:

9     (6) The maintenance and operation of the courts, including  
10 but not limited to the salary and expenses of the clerk of the  
11 district court and other employees of the clerk's office, and  
12 bailiffs, court costs if the prosecution fails or if the costs  
13 cannot be collected from the person liable, costs and expenses  
14 of prosecution under [section 189A.17](#), salaries and expenses  
15 of juvenile court officers under [chapter 602](#), court-ordered  
16 costs in domestic abuse cases under [section 236.5](#), sexual abuse  
17 cases under [section 236A.7](#), and elder abuse cases under [section](#)  
18 [235F.6](#), the county's expense for confinement of prisoners under  
19 [chapter 356A](#), temporary assistance to the county attorney,  
20 county contributions to a retirement system for bailiffs,  
21 reimbursement for judicial magistrates under [section 602.6501](#),  
22 claims filed under [section 622.93](#), sign language interpreters'  
23 fees under [section 622B.7](#), uniform citation and complaint  
24 supplies under [section 805.6](#), and costs of prosecution under  
25 [section 815.13](#).

26     Sec. 3. Section 602.1302, subsection 3, Code 2019, is  
27 amended to read as follows:

28     3. A revolving fund is created in the state treasury for  
29 the payment of jury and witness fees, mileage, costs related to  
30 summoning jurors by the judicial branch, costs and fees related  
31 to the management and payment of interpreters and translators  
32 in judicial branch legal proceedings and court-ordered  
33 programs, including the costs and fees for oral language  
34 interpreters and translators assigned for criminal defense, and  
35 attorney fees paid by the state public defender for counsel

1 appointed pursuant to [section 600A.6A](#). The judicial branch  
2 shall deposit any reimbursements to the state for the payment  
3 of jury and witness fees and mileage in the revolving fund.  
4 In each calendar quarter the judicial branch shall reimburse  
5 the state public defender for attorney fees paid pursuant to  
6 [section 600A.6B](#). Notwithstanding [section 8.33](#), unencumbered  
7 and unobligated receipts in the revolving fund at the end of  
8 a fiscal year do not revert to the general fund of the state.  
9 The judicial branch shall on or before February 1 file a  
10 financial accounting of the moneys in the revolving fund with  
11 the legislative services agency. The accounting shall include  
12 an estimate of disbursements from the revolving fund for the  
13 remainder of the fiscal year and for the next fiscal year.

14 Sec. 4. Section 622A.1, Code 2019, is amended by adding the  
15 following new subsections:

16 NEW SUBSECTION. 3. "*Limited English proficient*" means the  
17 inability to adequately understand or effectively communicate  
18 in the English language because a person's primary language is  
19 a language other than English.

20 NEW SUBSECTION. 4. "*Oral language interpreter*" means a  
21 person who can accurately transfer the meaning of words or  
22 phrases of one oral language into the equivalent words or  
23 phrases of a second oral language and from a second oral  
24 language into the first oral language.

25 NEW SUBSECTION. 5. "*Participant*" means any of the  
26 following:

27 a. A party or witness in a legal proceeding.

28 b. A child who is or may be the subject of a delinquency  
29 petition.

30 c. A parent, guardian, or custodian, whose child is or may  
31 be the subject of a delinquency petition.

32 d. A person who is a guardian, conservator, or trustee in a  
33 probate case.

34 NEW SUBSECTION. 6. "*Translator*" means a person who can  
35 accurately transfer the meaning of words or phrases of one

1 written language into the equivalent words or phrases of a  
2 second written language and from a second written language into  
3 the first written language.

4 Sec. 5. Section 622A.2, Code 2019, is amended to read as  
5 follows:

6 **622A.2 ~~Who entitled~~ Limited-English-proficient persons —**  
7 **when entitled to an oral language interpreter without cost.**

8 1. Every limited-English-proficient person ~~who cannot speak~~  
9 ~~or understand the English language and who is a party to any~~  
10 ~~legal proceeding or a witness therein, shall be~~ is entitled to  
11 an oral language interpreter to assist such person throughout  
12 the proceeding, without cost when the person is any of the  
13 following:

14 a. A participant in a legal proceeding.

15 b. A party who is ordered by a court to participate in a  
16 mediation.

17 c. A party who is ordered by a court to participate in a  
18 predisposition parenting program in a domestic relations case.

19 2. In addition to subsection 1, if a limited-English-  
20 proficient person is a party who is entitled to appointment  
21 of legal counsel in a criminal or juvenile case or the court  
22 otherwise determines that the limited-English-proficient person  
23 is a party who is indigent or cannot afford to pay for an  
24 oral language interpreter, the person is entitled to an oral  
25 language interpreter to assist such person without cost when  
26 the person is a party in a pending court case for any of the  
27 following purposes:

28 a. A deposition in the party's pending court case.

29 b. A consultation with an attorney in the party's pending  
30 court case.

31 c. To prepare for a legal proceeding before any court.

32 3. A limited-English-proficient person who qualifies for  
33 appointment of an oral language interpreter without cost to the  
34 limited-English-proficient person pursuant to subsection 1 or  
35 2 may also qualify for appointment of a translator to provide

1 written translation of court-related material without cost if  
2 the court determines that an oral language interpretation of  
3 the court-related material would not be sufficient to ensure  
4 due process under the circumstances.

5 Sec. 6. Section 622A.3, Code 2019, is amended by striking  
6 the section and inserting in lieu thereof the following:

7 **622A.3 Payment of oral language interpreters and translators.**

8 1. The state court administrator shall pay an oral  
9 language interpreter or a translator from the revolving  
10 fund created in section 602.1302, subsection 3, when a  
11 limited-English-proficient person is entitled to an oral  
12 language interpreter or a translator under section 622A.2  
13 and the oral language interpreter services or the translator  
14 services are not provided before an administrative agency.

15 2. An administrative agency shall pay an oral language  
16 interpreter or a translator when a limited-English-proficient  
17 person is entitled to an oral language interpreter or a  
18 translator under section 622A.2 and the oral language  
19 interpreter services or the translator services are provided  
20 before an administrative agency.

21 Sec. 7. Section 622A.4, Code 2019, is amended to read as  
22 follows:

23 **622A.4 Fee set by court — payment or administrative agency.**

24 Every oral language interpreter and translator appointed  
25 by a court or administrative agency shall receive a fee to be  
26 set by the court or administrative agency. ~~If the interpreter~~  
27 ~~is appointed by the court in a civil case for a person who is~~  
28 ~~indigent and unable to secure an interpreter, the fee for the~~  
29 ~~interpreter shall be paid from the revolving fund established~~  
30 ~~in [section 602.1302, subsection 3.](#)~~

31 Sec. 8. Section 622A.5, Code 2019, is amended to read as  
32 follows:

33 **622A.5 Oath.**

34 Every oral language interpreter and translator in any legal  
35 proceeding shall take the same an oath as ~~any other witness~~

1 consistent with the rules the supreme court adopts under this  
2 chapter.

3 Sec. 9. Section 622A.6, Code 2019, is amended to read as  
4 follows:

5 **622A.6 Qualifications, neutrality, and integrity.**

6 Any court or administrative agency may inquire into the  
7 qualifications, neutrality, and integrity of any oral language  
8 interpreter or translator, and may disqualify any person from  
9 serving as an oral language interpreter or translator.

10 Sec. 10. Section 622A.7, Code 2019, is amended to read as  
11 follows:

12 **622A.7 Rules.**

13 The supreme court, after consultation with the commission  
14 of Latino affairs of the department of human rights and other  
15 appropriate departments, shall adopt rules governing the  
16 qualifications and compensation of oral language interpreters  
17 and translators appearing in legal proceedings before a court  
18 ~~or grand jury~~ under **this chapter**. However, an administrative  
19 agency which is subject to **chapter 17A** may adopt rules  
20 differing from those of the supreme court governing the  
21 qualifications and compensation of oral language interpreters  
22 and translators appearing in proceedings before that agency.

23 Sec. 11. Section 622A.8, Code 2019, is amended to read as  
24 follows:

25 **622A.8 ~~Tape~~ Electronic recording of testimony.**

26 ~~A tape~~ An electronic recording of the portion of  
27 proceedings where non-English testimony is given shall be  
28 made and maintained for one year after the entry of the final  
29 disposition or sentence or, if the final judgment is appealed,  
30 until one year after the final disposition of the appeal.

31 Sec. 12. NEW SECTION. **622A.9 Privileged communications.**

32 Communications between a limited-English-proficient person  
33 and a third party which are privileged under chapter 622 in  
34 which an oral language interpreter participates as an oral  
35 language interpreter shall be privileged with regard to the

1 oral language interpreter.

2 Sec. 13. Section 622B.1, Code 2019, is amended to read as  
3 follows:

4 **622B.1 Definitions — rules.**

5 1. As used in this chapter, unless the context otherwise  
6 requires:

7 *a. "Administrative agency"* means any department, board,  
8 commission, or agency of the state or any political subdivision  
9 of the state.

10 *b. "Deaf person"* means an individual who uses sign language  
11 as the person's primary mode of communication and who may use  
12 sign language interpreters to facilitate communication.

13 *c. "Hard-of-hearing person"* means an individual who  
14 is unable to hear and distinguish sounds within normal  
15 conversational range and who needs to use speechreading,  
16 assistive listening devices, or ~~oral interpreters~~ other  
17 reasonable accommodations to facilitate communication.

18 ~~*d. "Interpreter"* means an oral interpreter or sign language~~  
19 ~~interpreter.~~

20 ~~*e. "Oral interpreter"* means an interpreter who is fluent in~~  
21 ~~transliterating, paraphrasing, and voicing.~~

22 *d. "Participant"* means any of the following:

23 (1) A party, witness, or attorney in a legal proceeding.

24 (2) A child who is or may be the subject of a delinquency  
25 petition.

26 (3) A parent, guardian, or custodian, whose child is or may  
27 be the subject of a delinquency petition.

28 (4) A person who is a guardian, conservator, or trustee in a  
29 probate case.

30 ~~*f. e. "Sign language interpreter"* means an interpreter a~~  
31 ~~person who is able to interpret from sign language to English~~  
32 ~~and English to into an oral language and from an oral language~~  
33 ~~into sign language.~~

34 2. The supreme court, after consultation with the  
35 department of human rights, shall adopt rules governing the



1 qualifications and compensation of sign language interpreters  
2 appearing in a legal proceeding ~~before a court, grand jury,~~ or  
3 ~~before an~~ administrative agency under this chapter. However,  
4 an administrative agency which is subject to chapter 17A  
5 may adopt rules differing from those of the supreme court  
6 governing the qualifications and compensation of sign language  
7 interpreters appearing in proceedings before that agency.

8 Sec. 14. Section 622B.3, Code 2019, is amended to read as  
9 follows:

10 **622B.3 Notice of need.**

11 When a deaf or hard-of-hearing person is entitled to ~~an~~ a  
12 sign language interpreter, the deaf or hard-of-hearing person  
13 shall notify the presiding official within three days after  
14 receiving notice of the proceeding, stating the disability and  
15 requesting the services of ~~an~~ a sign language interpreter. If  
16 the deaf or hard-of-hearing person receives notification of an  
17 appearance less than five days prior to the proceeding, that  
18 person shall notify the presiding official requesting ~~an~~ a sign  
19 language interpreter as soon as practicable or may apply for a  
20 continuance until ~~an~~ a sign language interpreter is appointed.

21 Sec. 15. Section 622B.4, Code 2019, is amended to read as  
22 follows:

23 **622B.4 List.**

24 The office of deaf services of the department of human rights  
25 shall prepare and continually update a listing of qualified  
26 and available sign language interpreters. The courts and  
27 administrative agencies shall maintain a directory of qualified  
28 sign language interpreters for deaf and hard-of-hearing  
29 persons as furnished by the department of human rights.  
30 The office of deaf services shall maintain a list of sign  
31 language interpreters which shall be made available to a court,  
32 administrative agency, or interested parties to an action using  
33 the services of ~~an~~ a sign language interpreter.

34 Sec. 16. Section 622B.5, Code 2019, is amended to read as  
35 follows:

1       **622B.5 Oath.**

2       Before participating in a proceeding, ~~an~~ a sign  
3 language interpreter shall take an oath that the sign  
4 language interpreter will make a true interpretation in an  
5 understandable manner to the person for whom the sign language  
6 interpreter is appointed and that the sign language interpreter  
7 will interpret or translate the statements of the deaf or  
8 hard-of-hearing person to the best of the sign language  
9 interpreter's skills and judgment.

10       Sec. 17. Section 622B.6, Code 2019, is amended to read as  
11 follows:

12       **622B.6 Privileged communications.**

13       Communication between a deaf or hard-of-hearing person  
14 and a third party which is privileged under chapter 622 in  
15 which the sign language interpreter participates as ~~an~~ a sign  
16 language interpreter shall be privileged to the sign language  
17 interpreter.

18       Sec. 18. Section 622B.7, Code 2019, is amended to read as  
19 follows:

20       **622B.7 Fee.**

21       ~~An~~ A sign language interpreter appointed under this chapter  
22 is entitled to a reasonable fee and expenses as determined  
23 by the rules applying to that proceeding. This schedule  
24 shall be furnished to all courts and administrative agencies  
25 and maintained by them. If the sign language interpreter is  
26 appointed by the court, the fee and expenses shall be paid by  
27 the county and if the sign language interpreter is appointed by  
28 an administrative agency, the fee and expenses shall be paid  
29 out of funds available to the administrative agency.

30       Sec. 19. Section 622B.8, Code 2019, is amended to read as  
31 follows:

32       **622B.8 Disqualification.**

33       On motion of a party or on its own motion, a court or  
34 administrative agency shall inquire into the qualifications,  
35 neutrality, and integrity of ~~an~~ a sign language interpreter. A

1 court or administrative agency may disqualify for good reason  
2 any person from serving as ~~an~~ a sign language interpreter  
3 in that proceeding. If ~~an~~ a sign language interpreter is  
4 disqualified, the court or administrative agency shall appoint  
5 another sign language interpreter.

6 Sec. 20. Section 815.9, subsection 3, Code 2019, is amended  
7 to read as follows:

8 3. If a person is granted an appointed attorney, the  
9 person shall be required to reimburse the state for the total  
10 cost of legal assistance provided to the person pursuant to  
11 this section. "*Legal assistance*" as used in this section  
12 shall include not only the expense of the public defender or  
13 an appointed attorney, but also transcripts, witness fees,  
14 expenses, and any other goods or services required by law to  
15 be provided to an indigent person entitled to an appointed  
16 attorney, excluding the costs and fees of oral language  
17 interpreters and translators, who shall be paid pursuant to  
18 section 622A.3, and sign language interpreters, who shall be  
19 paid pursuant to section 622B.7.

20 Sec. 21. Section 815.11, Code 2019, is amended to read as  
21 follows:

22 **815.11 Appropriations for indigent defense — fund created.**

23 1. Costs incurred for legal representation by a  
24 court-appointed attorney under chapter 229A, 665, 822, or 908,  
25 or section 232.141, subsection 3, paragraph "d", or section  
26 598.23A, 600A.6B, 814.9, 814.10, 814.11, 815.4, 815.7, or  
27 815.10 on behalf of an indigent shall be paid from moneys  
28 appropriated by the general assembly to the office of the  
29 state public defender in the department of inspections and  
30 appeals and deposited in an account to be known as the indigent  
31 defense fund, except as provided in subsection 2. Costs  
32 incurred representing an indigent defendant in a contempt  
33 action, or representing an indigent juvenile in a juvenile  
34 court proceeding, are also payable from the fund. However,  
35 costs incurred in any administrative proceeding or in any

1 other proceeding under this chapter or chapter 598, 600, 600A,  
2 633, 633A, 814, or 915 or other provisions of the Code or  
3 administrative rules are not payable from the fund.

4 2. The costs and fees associated with oral language  
5 interpreters or translators are not payable from this fund.  
6 The costs and fees of an oral language interpreter or a  
7 translator shall be paid pursuant to section 622A.3 from moneys  
8 appropriated by the general assembly to the judicial branch  
9 revolving fund created pursuant to section 602.1302, subsection  
10 3.

11 EXPLANATION

12 The inclusion of this explanation does not constitute agreement with  
13 the explanation's substance by the members of the general assembly.

14 This bill relates to oral language interpreters and  
15 translators for limited-English-proficient persons and sign  
16 language interpreters for deaf and hard-of-hearing persons.

17 The bill amends Code chapter 622A, which in the bill  
18 provides for oral language interpreters and translators for  
19 limited-English-proficient persons in legal proceedings and  
20 court-related activities.

21 The bill provides new definitions for limited English  
22 proficient, oral language interpreter, participant, and  
23 translator. The bill defines "participant" in Code chapter  
24 622A as a party or witness in a legal proceeding; a child who  
25 is or may be the subject of a delinquency petition; a parent,  
26 guardian, or custodian, whose child is or may be the subject  
27 of a delinquency petition; or a person who is a guardian,  
28 conservator, or trustee in a probate case.

29 The bill provides that every limited-English-proficient  
30 person is entitled to an oral language interpreter to assist  
31 such person without cost when the person is a participant  
32 in a legal proceeding, a party who is ordered by a court  
33 to participate in a mediation, or a party who is ordered  
34 by a court to participate in a predisposition parenting  
35 program in a domestic relations case. Additionally, if

1 a limited-English-proficient person is a party who is  
2 entitled to appointment of legal counsel in a criminal or  
3 juvenile case or the court otherwise determines that the  
4 limited-English-proficient person is a party who is indigent  
5 or cannot afford to pay for an oral language interpreter,  
6 the person is entitled to an oral language interpreter to  
7 assist such person without cost when the person is a party in  
8 a pending court case for a deposition in the party's pending  
9 court case, a consultation with an attorney in the party's  
10 pending court case, or to prepare for a legal proceeding before  
11 any court.

12 The bill provides that a limited-English-proficient person  
13 who qualifies for appointment of an oral language interpreter  
14 without cost to the limited-English-proficient person pursuant  
15 to the bill may also qualify for appointment of a translator  
16 to provide written translation of court-related material  
17 without cost if the court determines that an oral language  
18 interpretation of the court-related material would not be  
19 sufficient to ensure due process under the circumstances.

20 The bill provides that the state court administrator  
21 shall pay oral language interpreters and translators from  
22 the revolving fund created in Code section 602.1302(3) when  
23 a limited-English-proficient person is entitled to an oral  
24 language interpreter or a translator and the oral language  
25 interpreter services or translator services are not provided  
26 before an administrative agency. The bill provides that an  
27 administrative agency shall pay an oral language interpreter  
28 or a translator when a limited-English-proficient person is  
29 entitled to an oral language interpreter or a translator and  
30 the oral language interpreter services or translator services  
31 are provided before an administrative agency.

32 The bill provides that an oral language interpreter and a  
33 translator in a legal proceeding shall take an oath consistent  
34 with rules the supreme court adopts under Code chapter 622A.  
35 The bill provides that in addition to a court or administrative

1 agency being able to inquire into the qualifications and  
2 integrity of an oral language interpreter or a translator,  
3 the court or administrative agency may also inquire into the  
4 neutrality of the oral language interpreter or translator. The  
5 bill amends the section of Code chapter 622A that provides  
6 the authorization for rulemaking to specify oral language  
7 interpreters and translators appearing in legal proceedings.  
8 The bill provides that an electronic recording of the portion  
9 of proceedings where non-English testimony is given shall be  
10 made and maintained for one year after the entry of the final  
11 disposition or sentence, or if the final judgment is appealed,  
12 until one year after the final disposition of the appeal.

13 The bill provides that communications between a  
14 limited-English-proficient person and a third party which are  
15 privileged under Code chapter 622 in which an oral language  
16 interpreter participates as an oral language interpreter shall  
17 be privileged with regard to the oral language interpreter.

18 The bill also amends Code chapter 622B, which provides  
19 for sign language interpreters for deaf and hard-of-hearing  
20 persons. The bill provides a new definition for "participant".  
21 The bill defines "participant" in Code chapter 622B as  
22 any of the following: a party, witness, or attorney in a  
23 legal proceeding; a child who is or may be the subject of a  
24 delinquency petition; a parent, guardian, or custodian, whose  
25 child is or may be the subject of a delinquency petition; or a  
26 person who is a guardian, conservator, or trustee in a probate  
27 case.

28 The bill provides that in addition to a court or  
29 administrative agency being able to inquire into the  
30 qualifications and integrity of a sign language interpreter,  
31 the court or administrative agency may also inquire into the  
32 neutrality of the sign language interpreter.

33 The bill amends Code sections 232.141 and 815.9 to exclude  
34 the costs and fees of interpreter and translator services.

35 First, Code section 232.141 currently provides that the

1 juvenile court shall inquire into the ability of the child  
2 or child's parent to pay costs including the child's care,  
3 examination, treatment, legal expenses, or other expenses.  
4 The bill excludes from those costs the costs and fees for  
5 oral language interpreters, sign language interpreters, and  
6 translators, and requires that those persons be paid pursuant  
7 to Code section 622A.3 (oral language interpreters and  
8 translators) or 622B.7 (sign language interpreters).

9 Code section 815.9 currently provides that if a person  
10 is granted a court-appointed attorney in a criminal case,  
11 the person shall reimburse the state for the total cost of  
12 legal assistance. The bill changes the definition of legal  
13 assistance to exclude the costs and fees of oral language  
14 interpreters, sign language interpreters, and translators. The  
15 bill states that these persons shall be paid pursuant to Code  
16 section 622A.3 (oral language interpreters and translators) or  
17 622B.7 (sign language interpreters).

18 Code section 815.11 provides appropriations for indigent  
19 defense. The bill provides that costs and fees associated with  
20 oral language interpreters are not payable from this fund. The  
21 costs and fees of an oral language interpreter or a translator,  
22 including for criminal defense, shall be paid pursuant to Code  
23 section 622A.3 from moneys appropriated by the general assembly  
24 to the judicial branch revolving fund created pursuant to Code  
25 section 602.1302(3).