

**House File 445 - Introduced**

HOUSE FILE 445  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 70)

**A BILL FOR**

1 An Act relating to interpreters and translators for  
2 limited-English-proficient, deaf, and hard-of-hearing  
3 persons in certain legal proceedings, making appropriations,  
4 and including effective date provisions.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 331.424, subsection 1, paragraph a,  
2 subparagraph (6), Code 2021, is amended to read as follows:

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

20 Sec. 2. Section 622A.1, Code 2021, is amended by adding the  
21 following new subsection:

22 NEW SUBSECTION. 1A. "*Interpreter*" means a person who  
23 transfers the meaning of spoken or written words in one  
24 language into the equivalent meaning in another spoken  
25 language.

26 NEW SUBSECTION. 3. "*Limited English proficient*" means the  
27 inability to adequately understand or effectively communicate  
28 in the English language because a person's primary language is  
29 a language other than English.

30 NEW SUBSECTION. 4. "*Translator*" means a person who  
31 transfers the meaning of written or spoken words in one  
32 language into the equivalent meaning in the written words of  
33 another language.

34 Sec. 3. Section 622A.2, Code 2021, is amended to read as  
35 follows:

1     **622A.2 Who entitled to interpreter Limited-English-proficient**  
2 **persons — when entitled to an interpreter or a translator.**

3     1. Every A limited-English-proficient person who cannot  
4 speak or understand the English language and who is a party to  
5 any legal proceeding or a witness therein, shall be entitled to  
6 an interpreter to assist such person throughout the proceeding.

7     2. A limited-English-proficient person who is a party to any  
8 legal proceeding shall be entitled to a translator to produce  
9 a written translation of written or electronically recorded  
10 material only when a court determines that an oral or sign  
11 interpretation of the material is not sufficient to ensure due  
12 process under the circumstances.

13     Sec. 4. Section 622A.3, subsection 1, unnumbered paragraph  
14 1, Code 2021, is amended to read as follows:

15     An interpreter or translator shall be appointed without  
16 expense to ~~the~~ a limited-English-proficient person requiring  
17 assistance in the following cases:

18     Sec. 5. Section 622A.3, subsection 2, Code 2021, is amended  
19 by striking the subsection and inserting in lieu thereof the  
20 following:

21     2. The state court administrator shall receive, review,  
22 and pay fee claims from an interpreter or translator appointed  
23 under subsection 1, including all interpreter or translator  
24 claims formerly paid from the indigent defense fund. The  
25 fees shall be paid from the revolving fund created in section  
26 602.1302, subsection 3, when a limited-English-proficient  
27 person is entitled to an interpreter or translator under  
28 section 622A.2 and the interpreter or translator services are  
29 not provided before an administrative agency.

30     Sec. 6. Section 622A.3, Code 2021, is amended by adding the  
31 following new subsections:

32     NEW SUBSECTION. 2A. In civil cases, every court shall tax  
33 the costs of an interpreter or translator the same as other  
34 court costs.

35     NEW SUBSECTION. 2B. In criminal cases, where the defendant

1 is indigent, the interpreter or translator shall be considered  
2 as a defendant's witness under rule of criminal procedure 2.15  
3 for the purpose of receiving fees, except that subpoenas shall  
4 not be required.

5 NEW SUBSECTION. 2C. An administrative agency shall pay  
6 an interpreter when a limited-English-proficient person  
7 is entitled to an interpreter under section 622A.2 and the  
8 interpreter services are provided before an administrative  
9 agency. The agency may require that the party to the  
10 proceeding pay the expense of the interpreter.

11 Sec. 7. Section 622A.4, Code 2021, is amended to read as  
12 follows:

13 **622A.4 Fee set by court — payment or administrative agency.**

14 Every interpreter appointed by a court or administrative  
15 agency shall receive a fee to be set by the court or  
16 administrative agency. ~~If the interpreter is appointed by the  
17 court in a civil case for a person who is indigent and unable  
18 to secure an interpreter, the fee for the interpreter shall be  
19 paid from the revolving fund established in section 602.1302,  
20 subsection 3.~~

21 Sec. 8. Section 622A.5, Code 2021, is amended to read as  
22 follows:

23 **622A.5 Oath.**

24 Every interpreter and translator in any legal proceeding  
25 shall take the same an oath as ~~any other witness~~ consistent  
26 with the rules the supreme court adopts under this chapter.

27 Sec. 9. Section 622A.6, Code 2021, is amended to read as  
28 follows:

29 **622A.6 Qualifications, neutrality, and integrity.**

30 Any court or administrative agency may inquire into the  
31 qualifications, neutrality, and integrity of any interpreter  
32 or translator, and may disqualify any person from serving as  
33 an interpreter or translator.

34 Sec. 10. Section 622A.7, Code 2021, is amended to read as  
35 follows:

1       **622A.7 Rules.**

2       The supreme court, after consultation with the ~~commission~~  
3 ~~of Latino affairs of the~~ department of human rights and other  
4 appropriate departments, shall adopt rules governing the  
5 qualifications and compensation of interpreters or translators  
6 appearing in legal proceedings ~~before a court or grand jury~~  
7 under **this chapter**. However, an administrative agency which is  
8 subject to **chapter 17A** may adopt rules differing from those of  
9 the supreme court governing the qualifications and compensation  
10 of interpreters or translators appearing in proceedings before  
11 that agency.

12       Sec. 11. Section 622A.8, Code 2021, is amended to read as  
13 follows:

14       **622A.8 ~~Tape~~ Electronic recording of testimony.**

15       ~~A tape~~ An electronic recording of the portion of  
16 proceedings where non-English testimony is given shall be  
17 made and maintained for one year after the entry of the final  
18 disposition or sentence or, if the final judgment is appealed,  
19 until one year after the final disposition of the appeal.

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

21       Communications between a limited-English-proficient person  
22 and a third party which are privileged under chapter 622  
23 in which an interpreter or translator participates as an  
24 interpreter or translator shall be privileged with regard to  
25 the interpreter or translator.

26       Sec. 13. Section 622B.1, Code 2021, is amended to read as  
27 follows:

28       **622B.1 Definitions — rules.**

29       1. As used in **this chapter**, unless the context otherwise  
30 requires:

31       *a.* "Administrative agency" means any department, board,  
32 commission, or agency of the state or any political subdivision  
33 of the state.

34       *b.* "Deaf person" means an individual who uses sign language  
35 as the person's primary mode of communication and who may use

1 sign language interpreters to facilitate communication.

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

7 ~~*d.* "Interpreter" means an oral interpreter or sign language~~  
8 ~~interpreter.~~

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

11 ~~*f.* *d.* "Sign language interpreter" means an interpreter a~~  
12 ~~person who is able to interpret from sign language to English~~  
13 ~~and English to~~ into an oral language and from an oral language  
14 into sign language.

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

24 Sec. 14. Section 622B.2, Code 2021, is amended to read as  
25 follows:

26 **622B.2 Interpreter appointed.**

27 If a deaf or hard-of-hearing person is a party to, a witness  
28 at, or a participant in a proceeding before a grand jury,  
29 court, or administrative agency of this state, the court  
30 or administrative agency shall appoint ~~an~~ a sign language  
31 interpreter without expense to the deaf or hard-of-hearing  
32 person to interpret or translate the proceedings to the deaf  
33 or hard-of-hearing person and to interpret or translate the  
34 person's testimony unless the deaf or hard-of-hearing person  
35 waives the right to ~~an~~ a sign language interpreter.

1     Sec. 15. Section 622B.3, Code 2021, is amended to read as  
2 follows:

3     **622B.3 Notice of need.**

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

14     Sec. 16. Section 622B.4, Code 2021, is amended to read as  
15 follows:

16     **622B.4 List.**

17     The office of deaf services of the department of human rights  
18 shall prepare and continually update a listing of qualified  
19 and available sign language interpreters. The courts and  
20 administrative agencies shall maintain a directory of qualified  
21 interpreters for deaf and hard-of-hearing persons as furnished  
22 by the department of human rights. The office of deaf services  
23 shall maintain a list of sign language interpreters which  
24 shall be made available to a court, administrative agency, or  
25 interested parties to an action using the services of ~~an~~ a sign  
26 language interpreter.

27     Sec. 17. Section 622B.5, Code 2021, is amended to read as  
28 follows:

29     **622B.5 Oath.**

30     Before participating in a proceeding, ~~an~~ a sign  
31 language interpreter shall take an oath that the sign  
32 language interpreter will make a true interpretation in an  
33 understandable manner to the person for whom the sign language  
34 interpreter is appointed and that the sign language interpreter  
35 will interpret or translate the statements of the deaf or

1 hard-of-hearing person to the best of the sign language  
2 interpreter's skills and judgment.

3 Sec. 18. Section 622B.6, Code 2021, is amended to read as  
4 follows:

5 **622B.6 Privileged communications.**

6 Communication between a deaf or hard-of-hearing person  
7 and a third party which is privileged under chapter 622 in  
8 which the sign language interpreter participates as ~~an~~ a sign  
9 language interpreter shall be privileged to the sign language  
10 interpreter.

11 Sec. 19. Section 622B.7, Code 2021, is amended to read as  
12 follows:

13 **622B.7 Fee.**

14 ~~An~~ A sign language interpreter appointed under this chapter  
15 is entitled to a reasonable fee and expenses as determined  
16 by the rules applying to that proceeding. This schedule  
17 shall be furnished to all courts and administrative agencies  
18 and maintained by them. If the sign language interpreter is  
19 appointed by the court, the fee and expenses shall be paid by  
20 the county and if the sign language interpreter is appointed by  
21 an administrative agency, the fee and expenses shall be paid  
22 out of funds available to the administrative agency.

23 Sec. 20. Section 622B.8, Code 2021, is amended to read as  
24 follows:

25 **622B.8 Disqualification.**

26 On motion of a party or on its own motion, a court or  
27 administrative agency shall inquire into the qualifications,  
28 neutrality, and integrity of ~~an~~ a sign language interpreter. A  
29 court or administrative agency may disqualify for good reason  
30 any person from serving as ~~an~~ a sign language interpreter  
31 in that proceeding. If ~~an~~ a sign language interpreter is  
32 disqualified, the court or administrative agency shall appoint  
33 another sign language interpreter.

34 Sec. 21. Section 815.11, Code 2021, is amended to read as  
35 follows:



1     **815.11 Appropriations for indigent defense — fund created.**

2     1. Costs incurred for legal representation by a  
3 court-appointed attorney under [chapter 229A, 665, 822, or 908,](#)  
4 or [section 232.141, subsection 3,](#) paragraph “d”, or section  
5 [598.23A, 600A.6B, 814.9, 814.10, 814.11, 815.4, 815.7, or](#)  
6 [815.10](#) on behalf of an indigent shall be paid from moneys  
7 appropriated by the general assembly to the office of the  
8 state public defender in the department of inspections and  
9 appeals and deposited in an account to be known as the indigent  
10 defense fund, except as provided in subsection 2. Costs  
11 incurred representing an indigent defendant in a contempt  
12 action, representing an indigent juvenile in a juvenile court  
13 proceeding, or representing a person pursuant to [section 13B.13](#)  
14 are also payable from the fund. However, costs incurred in any  
15 administrative proceeding or in any other proceeding under this  
16 chapter or [chapter 598, 600, 600A, 633, 633A, 814, or 915](#) or  
17 other provisions of the Code or administrative rules are not  
18 payable from the fund.

19     2. The costs and fees associated with translators, foreign  
20 language interpreters, and sign language interpreters are not  
21 payable from this fund. The costs and fees of sign language  
22 interpreters shall be paid by the county pursuant to section  
23 622B.7, and the costs and fees of translators and foreign  
24 language interpreters shall be paid pursuant to section  
25 622A.3 from moneys appropriated by the general assembly to the  
26 judicial branch revolving fund created pursuant to section  
27 602.1302, subsection 3.

28     Sec. 22. INTERPRETERS AND TRANSLATORS — TRANSFER OF  
29 ADMINISTRATION AND APPROPRIATION. Moneys appropriated to the  
30 indigent defense fund created in section 815.11 for payment of  
31 interpreters and translators during the fiscal year beginning  
32 July 1, 2021, and ending June 30, 2022, shall be used by  
33 the state public defender for payment of costs and fees of  
34 interpreters and translators the state public defender has  
35 received prior to the effective date of this Act. Moneys

1 appropriated to the indigent defense fund for payment of  
2 interpreters and translators during the fiscal year beginning  
3 July 1, 2021, and ending June 30, 2022, which remain beginning  
4 on the effective date of this Act, having not been disbursed by  
5 the state public defender for the fiscal year beginning July  
6 1, 2021, and ending June 30, 2022, shall be transferred to the  
7 revolving fund under the purview of the judicial branch created  
8 pursuant to section 602.1302, subsection 3, for jury and  
9 witness fees, mileage, costs related to summoning jurors, costs  
10 and fees for interpreters and translators, and reimbursement of  
11 attorney fees paid by the state public defender for the fiscal  
12 year beginning July 1, 2021, and ending June 30, 2022.

13 Sec. 23. EFFECTIVE DATE. This Act takes effect November 1,  
14 2021.

15 EXPLANATION

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

18 This bill relates to interpreters for  
19 limited-English-proficient persons and sign language  
20 interpreters for deaf and hard-of-hearing persons.

21 The bill amends Code chapter 622A, which in the bill provides  
22 for interpreters for limited-English-proficient persons in  
23 legal proceedings.

24 The bill defines "interpreter" to mean a person who  
25 transfers the meaning of spoken or written words in one  
26 language into the equivalent meaning in another spoken  
27 language. The bill defines "limited English proficient" to  
28 mean the inability to adequately understand or effectively  
29 communicate in the English language because a person's primary  
30 language is a language other than English. The bill also  
31 defines "translator" to mean a person who transfers the meaning  
32 of written or spoken words in one language into the equivalent  
33 meaning in the written words of another language.

34 The bill provides that the state court administrator shall  
35 receive, review, and pay fee claims for interpreters and

1 translators from the revolving fund created in Code section  
2 602.1302(3) when a limited-English-proficient person is  
3 entitled to an interpreter or translator and the interpreter  
4 services are not provided before an administrative agency. The  
5 bill provides that in civil cases, every court shall tax the  
6 costs of an interpreter or translator the same as other court  
7 costs. In criminal cases, the bill provides that where the  
8 defendant is indigent, the interpreter shall be considered as  
9 a defendant's witness under rule of criminal procedure 2.15  
10 for the purpose of receiving fees, except that subpoenas are  
11 not required. The bill provides that an administrative agency  
12 shall pay an interpreter when a limited-English-proficient  
13 person is entitled to an interpreter and the interpreter  
14 services are provided before an administrative agency. The  
15 bill provides that the agency may require that the party to the  
16 proceeding pay the expense of the interpreter.

17 The bill provides that an interpreter or translator in a  
18 legal proceeding shall take an oath consistent with rules  
19 the supreme court adopts under Code chapter 622A. The bill  
20 provides that in addition to a court or administrative agency  
21 being able to inquire into the qualifications and integrity  
22 of an interpreter, the court or administrative agency may  
23 also inquire into the neutrality of the interpreter, and may  
24 do the same with regard to translators. The bill amends the  
25 section of Code chapter 622A that provides the authorization  
26 for rulemaking to specify interpreters appearing in legal  
27 proceedings and adds translators to the provision. The  
28 bill provides that an electronic recording of the portion of  
29 proceedings where non-English testimony is given shall be  
30 made and maintained for one year after the entry of the final  
31 disposition or sentence, or if the final judgment is appealed,  
32 until one year after the final disposition of the appeal.

33 The bill provides that communications between a  
34 limited-English-proficient person and a third party which are  
35 privileged under Code chapter 622 in which an interpreter or

1 translator participates as an interpreter or translator shall  
2 be privileged with regard to the interpreter.

3 The bill also amends Code chapter 622B, which provides  
4 for sign language interpreters for deaf and hard-of-hearing  
5 persons.

6 The bill provides that in addition to a court or  
7 administrative agency being able to inquire into the  
8 qualifications and integrity of a sign language interpreter,  
9 the court or administrative agency may also inquire into the  
10 neutrality of the sign language interpreter.

11 Code section 815.11 provides appropriations for indigent  
12 defense. The bill provides that costs and fees associated  
13 with interpreters are not payable from the indigent defense  
14 fund. The result of the bill, in part, is that the judicial  
15 branch, through the state court administrator, is to assume  
16 responsibility for the review and payment of interpreter and  
17 translator claims formerly paid from the indigent defense fund.

18 The bill provides that moneys appropriated to the indigent  
19 defense fund for the payment of interpreters and translators  
20 during the fiscal year beginning July 1, 2021, and ending  
21 June 30, 2022, shall be used by the state public defender for  
22 payment of costs and fees of interpreters and translators  
23 received prior to the effective date of the bill. Moneys  
24 appropriated to the indigent defense fund for the payment of  
25 interpreters and translators during the fiscal year beginning  
26 July 1, 2021, and ending June 30, 2022, that have not yet been  
27 disbursed by the state public defender as of the effective date  
28 of the bill shall be transferred to the revolving fund under  
29 the purview of the judicial branch for jury and witness fees,  
30 mileage, costs related to summoning jurors, costs and fees for  
31 interpreters and translators, and reimbursement of attorney  
32 fees paid by the state public defender for that fiscal year.

33 The bill takes effect November 1, 2021.