

MEMORANDUM

To: Members of the General Assembly
From: Iowa Judicial Branch
Re: 1141XD– Court Interpreters
Date: January 26, 2015

The U.S. Department of Justice (USDOJ) has provided guidance to the chief justice and state court administrator in all states regarding the application of Title VI of the federal Civil Rights Act of 1964 to the provision of interpretation and translation services in state courts. According to the USDOJ, because the Civil Rights Act prohibits discrimination based on nationality, courts may not impose barriers to accessing court or court-related services on persons of other nationalities, including those who do not speak English. Therefore, state courts may not:

- Limit the types of proceedings for which qualified interpreters are provided by the court for limited English proficient (LEP) participants;
- Require limited LEP participants to pay for their interpreters or charge interpreter fees back to those persons; or
- Restrict interpreting services to courtroom proceedings because many critical legal proceedings are conducted outside the courtroom.

Current Iowa Code provisions prohibit Iowa's courts from complying with the USDOJ guidance by requiring the courts to charge interpreter fees back to the person who needs the interpreter in almost all cases. The proposed legislation would bring Iowa's courts into compliance with the USDOJ guidance by insuring that interpreter services are provided for all LEP participants in legal proceedings without charging interpreter fees back to those participants. Revisions to Iowa Code chapters 622A and 622B and Iowa Code sections 232.141 and 815.9 are proposed to accomplish this goal. Notably, administrative agencies in Iowa's executive branch already comply with the USDOJ guidance.

In addition, under current Code provisions oral language court interpreters are paid by the State Public Defender's Office, a local public defender's office, or the state court administrator's office, depending on the type of case and whether the person needing the interpreter is indigent. The proposed revisions to Code chapter 622A would direct the state court administrator to pay all oral language court interpreters and translators who provide services for participants in court proceedings, thereby streamlining the payment of court interpreters and translators.