

LEGISLATIVE BILL 116

Approved by the Governor March 2, 1973

Introduced by Syas, 13

AN ACT relating to courts; to provide for use of interpreters as prescribed; to define terms; to provide procedure for appointment and compensation for interpreters in proceedings; and to repeal section 33-142, Reissue Revised Statutes of Nebraska, 1943.

Be it enacted by the people of the State of Nebraska,

Section 1. It is hereby declared to be the policy of this state that the constitutional rights of deaf persons, who because of hearing or speaking impairments, and other persons, who are unable to communicate the English language, cannot be fully protected unless interpreters are available to assist such persons in legal proceedings. It is the intent of this act to provide a procedure for the appointment of such interpreters to avoid injustice and to assist such persons in their own defense.

Sec. 2. For the purposes of this act, unless the context otherwise requires:

(1) Deaf person shall mean a person who, because of hearing or speaking impairment, cannot readily understand or communicate the English language; and

(2) Proceeding shall mean any legal proceeding or any hearing preliminary thereto involving deaf persons or other persons who cannot communicate the English language.

Sec. 3. In any proceeding the presiding judge shall appoint an interpreter to assist any deaf person or person unable to communicate the English language for preparation and trial of his case.

Sec. 4. No person shall be appointed as an interpreter pursuant to the provisions of this act unless such person is readily able to communicate with the deaf person or person unable to communicate the English language, translate the proceedings for him, and accurately repeat and translate the statements of such person to the jury, judge, and officials before whom such proceeding takes place.

Sec. 5. Every interpreter appointed pursuant to the provisions of this act, before entering upon his duties as such, shall take an oath that he will, to the best of his skill and judgment, make a true interpretation to such deaf person or person unable to communicate the English language of all the proceedings in a language which such person understands, and that he will, in the English language, repeat the statements of such person to the court, jury, or officials before whom such proceeding takes place.

Sec. 6. The fees and expenses of an interpreter shall be fixed and ordered paid by the judge before whom such proceeding takes place, and be paid out of the general fund of the county in which such proceeding takes place.

Sec. 7. That section 33-142, Reissue Revised Statutes of Nebraska, 1943, is repealed.