

LEGISLATIVE BILL 54

Approved by the Governor May 26, 1999

Introduced by Brashear, 4

AN ACT relating to courts; to amend sections 20-159, 25-2406, and 29-2259, Reissue Revised Statutes of Nebraska; to provide requirements for interpreters; to provide for payment by the state of the cost of interpreters; to harmonize provisions; and to repeal the original sections.

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

Section 1. Any person who serves as an interpreter for persons unable to communicate the English language in court proceedings or probation services as provided in subsection (6) of section 29-2259 shall meet the standards adopted by the Supreme Court. Such standards shall require that interpreters demonstrate the ability to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary special vocabulary. Any person appointed to interpret for deaf and hard of hearing persons shall be a qualified interpreter as defined in subdivision (6) of section 20-151.

Sec. 2. Section 20-159, Reissue Revised Statutes of Nebraska, is amended to read:

20-159. A qualified interpreter appointed pursuant to sections 20-150 to 20-159 is entitled to a fee for professional services and other relevant expenses as approved by the governing body of the appointing authority. When appropriate, the appointing authority may use fee guidelines established by a recognized registry of interpreters for the deaf and hard of hearing. When the qualified interpreter is appointed by a court, the fee shall be paid out of the ~~general fund of the county in which such proceedings take place~~ General Fund with funds appropriated to the Supreme Court for that purpose. When the qualified interpreter is appointed by an appointing authority other than a court, the fee shall be paid out of funds available to the governing body of the appointing authority.

Sec. 3. Section 25-2406, Reissue Revised Statutes of Nebraska, is amended to read:

25-2406. The fees and expenses of an interpreter shall be fixed and ordered paid by the judge before whom such proceeding takes place, in accordance with a fee schedule established by the Supreme Court, and be paid out of the general fund of the county in which such proceeding takes place General Fund with funds appropriated to the Supreme Court for that purpose.

Sec. 4. Section 29-2259, Reissue Revised Statutes of Nebraska, is amended to read:

29-2259. (1) The salaries, actual and necessary expenses, and expenses incident to the conduct and maintenance of the office shall be paid by the state. Actual and necessary expenses shall be paid as provided in sections 81-1174 to 81-1177.

(2) The salaries and actual and necessary travel expenses of the probation service shall be paid by the state. Actual and necessary expenses shall be paid as provided in sections 81-1174 to 81-1177.

(3) Except as provided in sections 29-2262 and 29-2262.04, the costs of drug testing and equipment incident to the electronic surveillance of individuals on probation shall be paid by the state.

(4) The expenses incident to the conduct and maintenance of the principal office within each probation district shall in the first instance be paid by the county in which it is located, but such county shall be reimbursed for such expenses by all other counties within the probation district to the extent and in the proportions determined by the Supreme Court based upon population, number of investigations, and probation cases handled or upon such other basis as the Supreme Court deems fair and equitable.

(5) Each county shall provide office space and necessary facilities for probation officers performing their official duties and shall bear the costs incident to maintenance of such offices other than salaries, travel expenses, and data processing and word processing hardware and software that is provided on the state computer network.

(6) The cost of interpreter services for deaf and hard of hearing persons and for persons unable to communicate the English language shall be paid by the state with money appropriated to the Supreme Court. Interpreter services shall include auxiliary aids for deaf and hard of hearing persons as defined in section 20-151 and interpreters to assist persons unable to

communicate the English language as defined in section 25-2402. Interpreter services shall be provided under this section for the purposes of conducting a presentence investigation and for ongoing supervision by a probation officer of such persons placed on probation.

(7) The probation administrator shall prepare a budget and request for appropriations for the office and shall submit such request to the Supreme Court and with its approval to the appropriate authority in accordance with law.

Sec. 5. Original sections 20-159, 25-2406, and 29-2259, Reissue Revised Statutes of Nebraska, are repealed.