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STATE OF WEST VIRGINIA

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1973



ENROLLED

HOUSE BILL No. 518

(By Mr. Harman)



PASSED April 13, 1973

In Effect ninty days from Passage



FILED IN THE OFFICE
EDGAR F. HEISKELL III
SECRETARY OF STATE
THIS DATE 5/2/73

518

ENROLLED
COMMITTEE SUBSTITUTE
FOR
House Bill No. 518
(By MR. HARMAN)

(Originating in the House Committee on the Judiciary.)

[Passed April 13, 1973; in effect ninety days from passage.]

AN ACT to amend and reenact section seven, article five, chapter fifty-seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, requiring interpreters for parties or witnesses who cannot readily understand or verbally communicate the English language because of deafness or any hearing impairment; establishing qualifications for persons who are to serve as such interpreters; relating to oaths of interpreters; relating to and providing for payment of such interpreters when the person in need of the services of an interpreter cannot pay therefor; establishing maximum limits of compensation for and of expenses of such interpreters; and relating to interpreters necessary for any other reason.

Be it enacted by the Legislature of West Virginia:

That section seven, article five, chapter fifty-seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 5. MISCELLANEOUS PROVISIONS.

§57-5-7. Interpreters required.

1 (a) In any court proceeding wherein a party or witness can-

2 not readily understand or verbally communicate the English
3 language because he is deaf or a deaf mute or because of any
4 other hearing impairment, such person shall have the right to
5 have a qualified interpreter to assist him at every stage of the
6 proceeding. Such right shall also pertain in any proceeding
7 before administrative boards, commissions or agencies of this
8 state or any political subdivision or municipality thereof, and
9 in coroners' inquests and grand jury proceedings.

10 (b) No person shall act as an interpreter under the pro-
11 visions of subsection (a) of this section unless such person
12 is readily able to communicate with the person in question
13 and translate the proceedings for such person and accurately
14 repeat and translate the statements of such person. Any such
15 interpreter must be certified by the national registry of inter-
16 preters for the deaf, if available and if the need for such level
17 of skill is indicated, or shall be otherwise qualified. Every
18 interpreter functioning under the provisions of subsection (a)
19 of this section shall, before entering upon the performance of
20 his duties as such, take an oath that he will make a true
21 interpretation to the person in question in a language which
22 said person understands and that he will repeat the statements
23 of said person, in the English language, to the best of his skill
24 and ability.

25 (c) When any person is unable to pay for the services of a
26 qualified interpreter in any criminal or juvenile proceeding,
27 upon verified application, the judge of the court of record in
28 which such proceeding is pending, or, if such proceeding is not
29 in a court of record, then the judge of the court of record to
30 which such proceedings may be appealed or presented for
31 judicial review, shall, by order, appoint a qualified interpreter
32 as aforesaid to assist such person. Whenever a qualified inter-
33 preter is necessary for a coroner's inquest or grand jury pro-
34 ceeding, and such person is unable to pay for the services of
35 such interpreter, the appointment shall be by order entered by
36 the circuit court of the county in which such person is held in
37 custody or by a court of record of limited jurisdiction having
38 criminal jurisdiction in such county.

39 (d) Whenever a qualified interpreter is appointed pursuant
40 to the provisions of subsection (c) of this section, the court
41 shall, at the conclusion of the proceedings or interrogation, by
42 order, fix the compensation of such interpreter. The com-

43 pension shall be not less than fifteen dollars per hour, nor
44 more than fifty dollars per day, plus reimbursement for all
45 reasonable and necessary expenses actually incurred in the
46 performance of such duties, but expenses shall not be incurred
47 in excess of the prevailing rate for state employees. In all such
48 cases, the compensation shall be paid by the state auditor from
49 the fund out of which appointed counsel are paid in felony
50 case. In proceedings before administrative boards, commissions
51 and agencies, the compensation shall be fixed by such board,
52 commission or agency and paid, within the limit of available
53 funds, by such board, commission or agency, whenever it is
54 determined, upon verified application, that the person for
55 whom the interpreter rendered services is unable to pay for the
56 same.

57 (e) Whenever an interpreter is necessary in any court pro-
58 ceeding because a witness or party speaks only a foreign
59 language or for any other reason, an interpreter may be sworn
60 truly to interpret.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

W. Darrel Darby
Chairman Senate Committee

Blair C. Christian, Jr.
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

Heward W. Carson
Clerk of the Senate

C. Blankenship
Clerk of the House of Delegates

H. J. Robertson, Jr.
President of the Senate

Lewis J. Thomas
Speaker House of Delegates

The within approved this the 24th
April day of _____, 1973.

Paul A. Patton, Jr.
Governor



PRESENTED TO THE
GOVERNOR

Date 4/24/73

Time 2:34 p.m.