



General Assembly

February Session, 2008

Raised Bill No. 5797

LCO No. 2628

02628 _____ HS_

Referred to Committee on Human Services

Introduced by:
(HS)

AN ACT CONCERNING THE AVAILABILITY OF QUALIFIED INTERPRETER SERVICES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2008*) (a) For purposes of this
2 section, (1) "qualified interpreter" means a person who meets the
3 requirements for the provision of interpreting services pursuant to
4 section 46a-33a of the 2008 supplement to the general statutes; (2)
5 "commission" means the Commission on the Deaf and Hearing
6 Impaired; (3) "human services agency" means any state agency,
7 authority, board, commission, committee, council, department,
8 institution or office providing or having cognizance of any human
9 service; (4) "law enforcement agency" has the same meaning as
10 provided in section 54-240 of the general statutes; and (5) "deaf or
11 hearing impaired" means a functional hearing loss of sufficient severity
12 to prevent aural comprehension, even with the assistance of hearing
13 aids.

14 (b) (1) In any criminal or civil action involving a person who is deaf
15 or hearing impaired, whether as a party or as a witness, such person
16 shall be provided the services of a qualified interpreter throughout

17 such proceeding. The court, acting on behalf of such person, may
18 request that the commission assign qualified interpreters to interpret
19 for such person throughout the course of the proceeding.

20 (2) In any criminal investigation conducted by a law enforcement
21 agency involving a person who is deaf or hearing impaired, whether as
22 a victim, witness or suspect, the law enforcement agency shall make
23 reasonable efforts to provide such person with the services of a
24 qualified interpreter throughout the course of such investigation. No
25 custodial interrogation of any deaf or hearing impaired suspect shall
26 be conducted without a qualified interpreter, unless such suspect, after
27 being appraised of his or her constitutional rights, knowingly and
28 voluntarily waives his or her right to an interpreter. The law
29 enforcement agency may request that (A) the commission assign
30 qualified interpreters to interpret for such person, or (B) qualified
31 interpreters, except an employee of the law enforcement agency, be
32 assigned to interpret for such person throughout the course of the
33 investigation.

34 (3) In any criminal investigation conducted by a law enforcement
35 agency involving a child under the age of sixteen who has a deaf or
36 hearing impaired parent, whether the child is a victim, witness or
37 suspect, the law enforcement agency shall make reasonable efforts to
38 provide such parent with the services of a qualified interpreter
39 throughout the course of such investigation. The law enforcement
40 agency may request that (A) the commission assign qualified
41 interpreters to interpret for such parent, or (B) qualified interpreters,
42 except an employee of such law enforcement agency, be assigned to
43 interpret for such parent throughout the course of the investigation.

44 (c) In any proceeding before an administrative or executive board,
45 commission, agency, bureau, committee or other body of the state or
46 any of its political subdivisions involving deaf or hearing impaired,
47 such body may request that (1) the commission assign qualified
48 interpreters to interpret for such person, or (2) qualified interpreters,

49 except an employee of such body, be assigned to interpret for such
50 person throughout the course of the proceeding.

51 (d) In any proceeding before an administrative or executive board,
52 committee or any similar body provided by an employer or by a labor
53 organization to hear employee grievances involving an employee who
54 is deaf or hearing impaired, such employer or labor organization shall
55 request that (1) the commission assign qualified interpreters to
56 interpret for such employee, or (2) qualified interpreters, except an
57 employee of such body, be assigned to interpret for such employee
58 throughout the course of the proceeding. For purposes of this
59 subsection, proceeding includes any initial discussions between an
60 employee who is deaf or hearing impaired and an employer or a labor
61 organization representative, involving a matter that may potentially
62 result in the filing of a grievance.

63 (e) Any school, institution of higher education, other educational
64 facility or human services agency may request that the commission
65 provide qualified interpreter services. Upon receiving such request, the
66 commission shall use its best efforts to arrange for qualified interpreter
67 services to accommodate the request.

68 (f) The commission shall process all requests for qualified
69 interpreter services made to the commission pursuant to subsections
70 (b) to (e), inclusive, of this section. Services provided by a qualified
71 interpreter shall be on a fee-for-service basis and need not be provided
72 by employees of the commission.

73 (g) The commission shall adopt regulations, in accordance with the
74 provisions of chapter 54 of the general statutes, to implement the
75 provisions of this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2008</i>	New section

Statement of Purpose:

To clarify the role of the Commission on the Deaf and Hearing Impaired in providing qualified interpreter services to persons who are deaf or hearing impaired in a variety of legal and administrative forums.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]