

1 State of Arkansas *As Engrossed: S2/28/13 S3/12/13 H4/5/13*

2 89th General Assembly

# A Bill

3 Regular Session, 2013

SENATE BILL 442

4

5 By: Senator B. King

6 *By: Representative Fite*

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## For An Act To Be Entitled

9 AN ACT TO PROVIDE FOR LICENSED QUALIFIED INTERPRETERS  
10 FOR INDIVIDUALS WHO ARE DEAF, DEAFBLIND, HARD OF  
11 HEARING, OR ORAL DEAF; TO CREATE THE ADVISORY BOARD  
12 FOR INTERPRETERS BETWEEN HEARING INDIVIDUALS AND  
13 INDIVIDUALS WHO ARE DEAF, DEAFBLIND, HARD OF HEARING,  
14 AND ORAL DEAF; TO CREATE A FUND; AND FOR OTHER  
15 PURPOSES.

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## Subtitle

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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SECTION 1. Arkansas Code Title 19, Chapter 6, Subchapter 8, is amended to add an additional section to read as follows:

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19-6-819. Interpreters between Hearing Individuals and Individuals who are Deaf, Deafblind, Hard of Hearing, or Oral Deaf Fund.

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(a) There is created on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a special revenue fund to be known as the "Interpreters between Hearing Individuals and Individuals who are Deaf, Deafblind, Hard of Hearing, or Oral Deaf Fund".

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(b)(1) All moneys collected under § 20-14-801 et seq. shall be deposited into the State Treasury to the credit of the fund as special

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1 revenues.

2 (2) The fund also shall consist of any other revenues authorized  
3 by law.

4 (c) The fund shall be used by the Department of Health to pay costs  
5 related to the Advisory Board for Interpreters between Hearing Individuals  
6 and Individuals who are Deaf, Deafblind, Hard of Hearing, or Oral Deaf and  
7 the licensure of licensed qualified interpreters under § 20-14-801 et seq.

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9 SECTION 2. Arkansas Code Title 20, Chapter 14, is amended to add an  
10 additional subchapter to read as follows:

11 Subchapter 8 – Interpreters between Hearing Individuals and  
12 Individuals who are Deaf, Deafblind, Hard of Hearing, or Oral Deaf.

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14 20-14-801. Findings.

15 (a) The General Assembly finds that:

16 (1)(A) The practice of interpreting affects the public health,  
17 safety, and welfare and civic, economic, social, academic, and recreational  
18 aspects of life.

19 (B) Therefore, the practice of interpreting should be  
20 subject to licensure and regulation to protect the public's interest;

21 (2) Individuals who are deaf, deafblind, hard of hearing, or  
22 oral deaf, individuals with disabilities who use special techniques in order  
23 to communicate, and individuals whose primary language is sign language have  
24 a civil right to effective communication;

25 (3) Individuals with hearing disabilities and those with whom  
26 they communicate require and are entitled to competent, reliable interpreting  
27 services; and

28 (4) The availability of competent, reliable, credentialed  
29 interpreting services is necessary for individuals with hearing disabilities  
30 to realize their right to full and equal participation in society.

31 (b) The purposes of this subchapter are to:

32 (1) Provide minimum qualifications for interpreters and to  
33 ensure that members of the interpreting profession perform with a high degree  
34 of competency;

35 (2) Regulate the practice and licensure of interpreters for  
36 individuals who are deaf, deafblind, hard of hearing, or oral deaf; and

1           (3) Impose penalties for persons who violate this subchapter or  
2 the rules adopted under this subchapter.

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4           20-14-802. Definitions.

5           As used in this subchapter:

6           (1) "Cued speech" means the system of handshapes that represent  
7 groups of consonant sounds and hand placements that represent groups of vowel  
8 sounds that is used with natural speech to represent a visual model of spoken  
9 language;

10           (2) "Deaf interpreter" means a deaf individual who facilitates  
11 communication between another deaf person and a licensed qualified  
12 interpreter or between two (2) or more deaf persons;

13           (3) "Deaf individual" means an individual who has a documented  
14 hearing loss so severe that the individual is unable to process speech and  
15 language through hearing, with or without amplification;

16           (4) "Deafblind individual" means an individual who has a  
17 combined loss of vision and hearing that prevents the individual's vision or  
18 hearing from being used as a primary source for accessing information;

19           (5) "Hard of hearing individual" means an individual who has a  
20 hearing loss, may primarily use visual communication, and may use assistive  
21 devices;

22           (6) "Interpret" means to provide language equivalency between a  
23 hearing individual and an individual who is deaf, deafblind, hard of hearing,  
24 or oral deaf using techniques that include without limitation:

25                   (A) American Sign Language;

26                   (B) English-based sign language;

27                   (C) Cued speech; and

28                   (D) Oral interpreting;

29           (6) "Interpreting agency" means an entity that provides  
30 qualified interpreter services for a fee;

31           (7) "Oral deaf individual" means an individual whose sense of  
32 hearing is nonfunctional for the purpose of communication and whose primary  
33 method of communication is speech reading and spoken English;

34           (8) "Oral interpreting" means the use of oral transliteration  
35 with special techniques to make the English language visible for persons who  
36 communicate as speech readers;

1           (9) "Licensed provisional interpreter" means an individual who  
2 is deaf licensed under this subchapter; and

3           (10) "Licensed qualified interpreter" means an individual  
4 licensed under this subchapter.

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6           20-14-803. Penalties.

7           (a)(1) A person who is not licensed under this subchapter and who  
8 pleads guilty or nolo contendere to or is found guilty of holding himself or  
9 herself out to the public as a licensed qualified interpreter is guilty of a  
10 violation and shall be fined not less than one hundred dollars (\$100) and not  
11 more than five hundred dollars (\$500).

12           (2) If a person who pleads guilty or nolo contendere to or is  
13 found guilty of a violation under subdivision (a)(1) of this section complies  
14 with this subchapter within thirty (30) days after pleading guilty or nolo  
15 contendere to or being found guilty of a violation under subdivision (a)(1)  
16 of this section, the court shall suspend the fine under subdivision (a)(1) of  
17 this section.

18           (b) An interpreting agency that pleads guilty or nolo contendere to or  
19 is found guilty of knowingly hiring or providing interpreting services for an  
20 individual who is deaf, deafblind, hard of hearing, or oral deaf through an  
21 individual not licensed under this subchapter is guilty of a violation and  
22 shall be fined not less than five hundred dollars (\$500) and not more than  
23 one thousand dollars (\$1,000).

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25           20-14-804. Advisory Board between Hearing Individuals and Individuals  
26 who are Deaf, Deafblind, Hard of Hearing, or Oral Deaf – Creation –  
27 Membership.

28           (a) The Advisory Board for Interpreters between Hearing Individuals  
29 and Individuals who are Deaf, Deafblind, Hard of Hearing, or Oral Deaf is  
30 created within the Department of Health.

31           (b) The board shall consist of seven (7) members appointed by the  
32 Director of the Department of Health as follows:

33           (1) Four (4) licensed qualified interpreters appointed from a  
34 list of eight (8) submitted by the Arkansas Registry of Interpreters for the  
35 Deaf in conjunction with the Arkansas Association of the Deaf;

36           (2) Two (2) members appointed from a list of four (4) submitted

1 by the Arkansas Association of the Deaf in conjunction with the Arkansas  
2 Registry of Interpreters for the Deaf who are deaf persons, hard of hearing  
3 persons, or oral deaf persons not licensed under this subchapter; and

4 (3) One (1) member appointed from a list of two (2) submitted by  
5 the Arkansas Association of the Deaf in conjunction with the Arkansas  
6 Registry of Interpreters for the Deaf who are neither individuals who are  
7 deaf, deafblind, hard of hearing, or oral deaf and who are not licensed under  
8 this subchapter.

9 (c)(1) Each member shall serve a term of three (3) years.

10 (2) A member shall not serve more than two (2) consecutive  
11 terms.

12 (d) Four (4) members of the board constitute a quorum for the  
13 transaction of business of the board.

14 (e) If a vacancy occurs on the board, the director shall appoint to  
15 complete the term vacated a person who possesses the same qualifications as  
16 those required for the position to which he or she is appointed.

17  
18 20-14-805. Powers and duties of Advisory Board for Interpreters  
19 between Hearing Individuals and Individuals who are Deaf, Deafblind, Hard of  
20 Hearing, or Oral Deaf.

21 (a) The Advisory Board between Hearing Individuals and Individuals who  
22 are Deaf, Deafblind, Hard of Hearing, or Oral Deaf shall:

23 (1) Recommend rules for the operation of the Advisory Board  
24 between Hearing Individuals and Individuals who are Deaf, Deafblind, Hard of  
25 Hearing, or Oral Deaf to the State Board of Health; and

26 (2)(A) Hold meetings at the offices of the Department of Health  
27 in Little Rock or at other places as the Advisory Board for Interpreters  
28 between Hearing Individuals and Individuals who are Deaf, Deafblind, Hard of  
29 Hearing, or Oral Deaf may determine.

30 (B) The Department of Health shall provide meeting  
31 facilities and staff for meetings of the Advisory Board for Interpreters  
32 between Hearing Individuals and Individuals who are Deaf, Deafblind, Hard of  
33 Hearing, or Oral Deaf.

34 (b) The Advisory Board for Interpreters between Hearing Individuals  
35 and Individuals who are Deaf, Deafblind, Hard of Hearing, or Oral Deaf shall  
36 review and recommend to the Director of the Department of Health:

1           (1) Acceptance or rejection of applications for licensure and  
2 renewal of licenses for interpreters for the deaf, deafblind, hard of  
3 hearing, and oral deaf;

4           (2) Criteria for issuance and renewal of licenses for licensed  
5 qualified interpreters;

6           (3) Criteria for issuance and continuance of provisional  
7 licenses;

8           (4) Fees for licensure and licensure renewal under this  
9 subchapter;

10           (5) Suspension or revocation of licenses under this subchapter;

11           (6) Procedures for receiving and investigating complaints under  
12 the Arkansas Administrative Procedure Act, § 25-15-201 et seq.;

13           (7) Rules to ensure that an interpreting agency provides only  
14 licensed qualified interpreters for services under this subchapter;

15           (8) Rules regarding conflicts of interest regarding members of  
16 the Advisory Board for Interpreters Between Hearing Individuals and  
17 Individuals Who are Deaf, Deafblind, Hard of Hearing, or Oral Deaf;

18           (9)(A) A code of professional conduct.

19                   (B) The code of professional conduct shall provide, at a  
20 minimum, that:

21                           (i) A licensed qualified interpreter shall make a  
22 true interpretation in an understandable manner to an individual who is deaf,  
23 deafblind, hard of hearing, or oral deaf for whom the licensed qualified  
24 interpreter is appointed and that the licensed qualified interpreter will  
25 interpret accurately the statements of the individual who is deaf or hard of  
26 hearing who desires that his or her statements be made in English to the best  
27 of the licensed qualified interpreter's skill and judgment; and

28                           (ii) All information that a licensed qualified  
29 interpreter gathers, learns from, or relays to an individual who is deaf,  
30 deafblind, hard of hearing, or oral deaf during an administrative, civil, or  
31 criminal proceeding shall remain confidential and privileged unless the  
32 individual who is deaf, deafblind, hard of hearing, or oral deaf desires that  
33 the information be communicated to other persons; and

34           (10) A continuing education program for licensed qualified  
35 interpreters.

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1 20-14-806. Powers and duties of the Director of the Department of  
2 Health.

3 (a) After consideration of the recommendation of the Advisory Board  
4 for Interpreters between Hearing Individuals and Individuals who are Deaf,  
5 Deafblind, Hard of Hearing, or Oral Deaf, the Director of the Department of  
6 Health shall:

7 (1) Issue or deny a license or a renewal of license of a  
8 licensed qualified interpreter;

9 (2) Issue or deny a license or a renewal of a licensed  
10 provisional interpreter license;

11 (3) Confirm or overrule a recommendation to revoke or suspend a  
12 license for an interpreter between a hearing individual and an individual who  
13 is deaf, deafblind, hard of hearing, or oral deaf;

14 (4) Create and maintain a registry of licensed qualified  
15 interpreters; and

16 (5) Establish reasonable fees for licensure and renewal of  
17 licensure.

18 (b) Before a rule is promulgated under this subchapter, the proposed  
19 rule shall be presented to the Legislative Council.

20  
21 20-14-807. Licenses.

22 (a) A licensed qualified interpreter shall meet criteria established  
23 under this subchapter for interpreters, including without limitation  
24 certification or credentialing by the:

25 (1) Arkansas Rehabilitation Services Quality Assurance Screening  
26 Test;

27 (2) Educational Interpreter Performance Assessment;

28 (3) National Association of the Deaf;

29 (4) National Cued Speech Association;

30 (5) Registry of Interpreters for the Deaf, Inc.; or

31 (6) Texas Board for Evaluation of Interpreters.

32 (b) A licensed provisional interpreter license may be issued to a deaf  
33 interpreter who meets criteria established under this subchapter.

34 (c) A license issued under this subchapter is valid for one (1) year.

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36 20-14-808. Prohibitions.

1           (a) Except as provided in subsection (b) of this section, it is  
2 unlawful for an individual to use the title "licensed qualified interpreter"  
3 or "licensed provisional interpreter" or to hold himself or herself out as an  
4 interpreter between a hearing individual and an individual who is deaf,  
5 deafblind, hard of hearing, or oral deaf unless the individual using the  
6 title holds a license under this subchapter.

7           (b) Subsection (a) of this section does not apply to:

8                   (1) A person who interprets for an individual who is deaf,  
9 deafblind, hard of hearing, or oral deaf during a religious service;

10                   (2) A nonresident interpreter who holds a credential or a  
11 certificate valid in another state who interprets in Arkansas less than  
12 twenty (20) days per year;

13                   (3) A person who interprets during an emergency; or

14                   (4) A person who is an interpreter intern or a student in  
15 training who is:

16                           (A) Enrolled in and pursuing a degree in interpreting at  
17 an accredited institution of higher learning; or

18                           (B) Interpreting under the supervision of a licensed  
19 qualified interpreter as part of a supervised program of study.

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21           20-14-809. Rules.

22           The State Board of Health shall adopt rules to implement this  
23 subchapter.

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25           SECTION 3. DO NOT CODIFY. Initial Meeting of the Advisory Board  
26 Between Hearing Individuals and Individuals Who are Deaf, Deafblind, Hard Of  
27 Hearing, or Oral Deaf.

28           (a) The Director of the Department of Health shall make appointments  
29 to the Advisory Board for Interpreters between Hearing Individuals and  
30 Individuals who are Deaf, Deafblind, Hard of Hearing, or Oral Deaf under §  
31 20-14-804 on or before October 1, 2013.

32           (b) An initial member appointed as a licensed qualified interpreter  
33 member shall become licensed as a licensed qualified interpreter under this  
34 subchapter on or before January 1, 2014.

35           (c) The board shall hold its initial meeting within ninety (90) days  
36 after the effective date of this act.



1 (d) At the first meeting, the board shall elect a chair and a  
 2 secretary who shall serve one-year terms.

3 (e) At the first meeting, the initial members shall draw lots for  
 4 staggered terms so that three (3) members serve three-year terms, two (2)  
 5 members serve two-year terms, and two (2) member serve one-year terms.

6  
 7 SECTION 4. Arkansas Code §§ 25-15-101 and 25-15-102 are amended to  
 8 read as follows:

9 25-15-101. Interpreters ~~generally~~ between a hearing individual and an  
 10 individual who is deaf, deafblind, hard of hearing, or oral deaf.

11 (a) As used in this section, "interpreter" means an interpreter as  
 12 defined in § 25-15-102;

13 ~~(a)(b)~~ Every A person who cannot speak or understand the English  
 14 language or who because of hearing, speaking, or other impairment has  
 15 difficulty in communicating with other persons, and who is a party to ~~any a~~  
 16 civil proceeding or a witness ~~therein, shall be~~ in a civil proceeding is  
 17 entitled to an interpreter to assist that person throughout the proceeding.

18 ~~(b)(c)(1)~~ An interpreter may be retained by the party or witness  
 19 himself or herself, or, if the person is unable to pay for an interpreter,  
 20 may be appointed by the administrative board or agency before which the  
 21 proceeding is pending.

22 (2) If an interpreter is appointed by the board or agency, the  
 23 fee for the services of the interpreter shall be set by the board or agency  
 24 and be paid from ~~any~~ funds available to the board or agency or be paid in any  
 25 other manner ordered by the board or agency.

26 ~~(e)(d)~~ Any An administrative agency may inquire into the  
 27 qualifications and integrity of ~~any an~~ interpreter and may disqualify any  
 28 person for cause from serving as an interpreter.

29 ~~(d)(e)~~ Every An interpreter for another person who is either a party  
 30 or a witness in an administrative proceeding ~~as referred to in~~ under this  
 31 section shall take the following oath:

32 "Do you solemnly swear (or affirm) that you will justly, truly, and  
 33 impartially interpret to . . . . the oath about to be administered to him  
 34 (her), and the questions which may be asked him (her), and the answers that  
 35 he (she) shall give to such questions, relative to the cause now under  
 36 consideration before this board (agency), so help you God (or under the pains

1 and penalties of perjury)?”

2  
3 25-15-102. Interpreters for the deaf between a hearing individual and  
4 an individual who is deaf, deafblind, hard of hearing, or oral deaf.

5 (a) For the purpose of appointing an interpreter ~~for deaf persons,~~  
6 ~~deafblind persons, hard of hearing persons, and oral deaf persons~~ between a  
7 hearing individual and an individual who is deaf, deafblind, hard of hearing,  
8 or oral deaf under § 25-15-101:

9 (1) ~~“Any administrative~~ Administrative proceeding” means ~~any a~~  
10 proceeding of ~~any a~~ department, board, commission, agency, committee, or  
11 licensing authority of the state or of ~~any a~~ political subdivision or  
12 municipality, ~~and it shall appoint a qualified interpreter to interpret the~~  
13 ~~proceedings to the deaf person and to interpret his or her testimony or~~  
14 ~~statements;~~

15 (2) “Deaf individual” means an individual who has a documented  
16 hearing loss so severe that the individual is unable to process speech and  
17 language through hearing, with or without amplification;

18 (3) “Deafblind individual” means an individual who has a  
19 combined loss of vision and hearing that prevents the individual’s vision or  
20 hearing from being used as a primary source for accessing information;

21 (4) “Hard of hearing individual” means an individual who has a  
22 hearing loss, may primarily use visual communication, and may use assistive  
23 devices;

24 (5) “Interpreter” means a licensed qualified interpreter or a  
25 licensed provisional interpreter licensed by the Department of Health under §  
26 20-14-801 et seq.;

27 (6) “Oral deaf individual” means an individual whose sense of  
28 hearing is nonfunctional for the purpose of communication and whose primary  
29 communication is by speech reading and spoken English; and

30 ~~(2)-(A)-(7)~~ “Oral interpreter” means a person who interprets  
31 language through facial and lip movements only and who does not use manual  
32 communication licensed qualified interpreter or a licensed provisional  
33 interpreter who interprets language through facial and lip movements only and  
34 who does not use manual communication.

35 ~~(B) An oral interpreter shall be provided upon the request~~  
36 ~~of a deaf person who does not communicate in sign language.~~

1                   ~~(C) The right of a deaf person to an interpreter may not~~  
2 ~~be waived except by a deaf person who does not use sign language and who~~  
3 ~~initiates the request for waiver in writing. The waiver is subject to~~  
4 ~~approval of counsel to the deaf person, if existent, and is subject to~~  
5 ~~approval of the appointing authority; and~~

6                   ~~(3)(A) "Qualified interpreter" means an interpreter certified by~~  
7 ~~the National Registry of Interpreters for the Deaf, Arkansas Registry of~~  
8 ~~Interpreters for the Deaf, or, in the event an interpreter so certified is~~  
9 ~~not available, an interpreter who is otherwise qualified~~

10                   ~~(B) Efforts to obtain the services of a qualified~~  
11 ~~interpreter certified with a Legal Skills Certificate or a Comprehensive~~  
12 ~~Skills Certificate will be made prior to accepting services of an interpreter~~  
13 ~~with lesser certification.~~

14                   ~~(C)(b)(1) No~~ An qualified interpreter shall not be appointed unless  
15 the appointing authority and the ~~deaf person~~ make individual who is deaf,  
16 deafblind, hard of hearing, or oral deaf makes a preliminary determination  
17 that the interpreter is able to readily communicate with the ~~deaf person~~  
18 individual who is deaf, deafblind, hard of hearing, or oral deaf and is able  
19 to accurately interpret the statements of the ~~deaf person~~ individual who is  
20 deaf, deafblind, hard of hearing, or oral deaf and interpret the proceedings  
21 in which a ~~deaf person~~ an individual who is deaf, deafblind, hard of hearing,  
22 or oral deaf may be involved.

23                   ~~(D)(2) Every deaf person~~ An individual who is deaf, deafblind,  
24 hard of hearing, or oral deaf entitled to an interpreter under § 25-15-101  
25 ~~shall be~~ is entitled to a ~~qualified~~ an interpreter as defined by this  
26 subsection.

27                   (c)(1) An oral interpreter shall be provided upon the request of an  
28 individual who is deaf, deafblind, hard of hearing, or oral deaf who does not  
29 communicate in sign language.

30                   (2)(A) The right of an individual who is oral deaf to an  
31 interpreter may not be waived except by an individual who is oral deaf who  
32 does not use sign language and who initiates the request for a waiver in  
33 writing.

34                   (B) The waiver is subject to approval of counsel to the  
35 individual who is oral deaf, if existent, and is subject to approval of the  
36 appointing authority.

1 (d) A department, board, commission, agency, committee, or licensing  
 2 authority of the state or of a political subdivision or municipality shall  
 3 appoint an interpreter to interpret an administrative proceeding to an  
 4 individual who is deaf, deafblind, hard of hearing, or oral deaf and to  
 5 interpret the testimony or statements of the individual who is deaf,  
 6 deafblind, hard of hearing, or oral deaf.

7 ~~(b)(e)(1) Every deaf person~~ An individual who is deaf, deafblind, hard  
 8 of hearing, or oral deaf whose appearance before a proceeding entitles him or  
 9 her to an interpreter ~~should~~ shall notify the appointing authority of ~~his or~~  
 10 ~~her need prior to any~~ the need of the individual who is deaf, deafblind, hard  
 11 of hearing, or oral deaf before an appearance and ~~should~~ shall request at  
 12 that time the services of an interpreter.

13 ~~(2)(A) When~~ If a deaf person an individual who is deaf,  
 14 deafblind, hard of hearing, or oral deaf reasonably expects the need for an  
 15 interpreter to be for a period greater than a single day, ~~he or she should~~  
 16 the individual who is deaf, deafblind, hard of hearing, or oral deaf shall  
 17 notify the appointing authority.

18 (B) This notification shall be sufficient for the duration  
 19 of ~~his or her~~ the participation of the individual who is deaf, deafblind,  
 20 hard of hearing, or oral deaf in the proceedings.

21 ~~(e)(f)~~ An appointing authority may require a person requesting the  
 22 appointment of an interpreter to furnish reasonable proof of ~~his or her~~ the  
 23 deafness of the individual who is deaf, deafblind, hard of hearing, or oral  
 24 deaf when the appointing authority has reason to believe that the ~~person deaf~~  
 25 person, deafblind person, hard of hearing person, or oral deaf person is not  
 26 deaf, deafblind, hard of hearing, or oral deaf.

27 ~~(d)(g) It shall be the responsibility of the~~ The appointing authority  
 28 ~~to~~ shall channel requests for qualified interpreters through the Department  
 29 of Health;

30 ~~(1) The Arkansas Registry of Interpreters for the Deaf;~~

31 ~~(2) The Office for the Deaf and Hearing Impaired of the Arkansas~~  
 32 ~~Rehabilitation Services of the Department of Career Education;~~

33 ~~(3) The University of Arkansas at Little Rock Interpreter~~  
 34 ~~Education Program; or~~

35 ~~(4) Any community resource wherein the appointing authority or~~  
 36 ~~the deaf person is knowledgeable that qualified interpreters can be found.~~

1       ~~(e)~~(h) Before a ~~qualified~~ an interpreter participates in any  
2 proceedings subsequent to an appointment under ~~the provisions of~~ this  
3 section, the interpreter shall make an oath or affirmation that the  
4 interpreter will:

5           (1) ~~make~~ Make a true interpretation in an understandable manner  
6 to the ~~deaf person~~ individual who is deaf, deafblind, hard of hearing, or  
7 oral deaf for whom ~~he or she~~ the interpreter is appointed; and

8           (2) ~~that the interpreter will interpret~~ Interpret the statements  
9 of the ~~deaf person~~ individual who is deaf, deafblind, hard of hearing, or  
10 oral deaf desiring that statements be made, in the ~~English language to the~~  
11 ~~best of the interpreter's skill and judgment~~ language best suited to the  
12 needs of the individual who is deaf, deafblind, hard of hearing, or oral  
13 deaf.

14       ~~(f)~~(i) The appointing authority shall provide recess periods as  
15 necessary for the interpreter when the interpreter ~~so indicates~~ requests a  
16 recess period.

17       ~~(g)~~(j) ~~All information~~ Information that the interpreter gathers,  
18 learns from, or relays to the ~~deaf person or person who is unable to~~  
19 ~~communicate in English~~ individual who is deaf, deafblind, hard of hearing, or  
20 oral deaf pertaining to ~~any~~ an administrative, civil, or criminal proceeding  
21 shall at all times remain confidential and privileged, on an equal basis with  
22 the attorney-client privilege, unless ~~the deaf person or person who is unable~~  
23 ~~to communicate in English~~ the individual who is deaf, deafblind, hard of  
24 hearing, or oral deaf desires that ~~such~~ the information be communicated to  
25 other persons.

26       ~~(h)~~(k)(1) An interpreter appointed under ~~the provisions of~~ this  
27 section ~~shall be~~ is entitled to a reasonable fee for his or her services.

28           (2) The fee shall be in accordance with standards established by  
29 the ~~Arkansas Registry of Interpreters for the Deaf~~ Department of Health and  
30 in addition to actual expenses for travel and transportation.

31           (3)(A) ~~When~~ If the interpreter is appointed by a court, the fee  
32 shall be paid out of general county funds.

33           (B) ~~When~~ If the interpreter is otherwise appointed, the  
34 fee shall be paid out of funds available to the appointing authority.

35  
36       SECTION 5. EFFECTIVE DATE. Section 20-14-805 is effective on and after

1 November 1, 2013.

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*/s/B. King*

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**APPROVED: 04/18/2013**

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