

SUBSTITUTE FOR
SENATE BILL NO. 25

A bill to amend 1982 PA 204, entitled
"Deaf persons' interpreters act,"
by amending the title and sections 4, 5, 6, 7, and 8 (MCL 393.504,
393.505, 393.506, 393.507, and 393.508), section 8 as amended by
1988 PA 435, and by adding sections 8a, 8b, 8c, 8d, and 8e.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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TITLE

An act to provide for and regulate the use of interpreters in
administrative and judicial proceedings and in certain other
instances; to establish standards for interpreters; ~~and to provide~~
compensation for interpreters; ~~—~~**TO PRESCRIBE THE POWERS AND DUTIES**
OF CERTAIN STATE DEPARTMENTS AND AGENCIES; TO PRESCRIBE PENALTIES
FOR THE VIOLATION OF THE PROVISIONS OF THIS ACT; and to provide for

1 the promulgation of rules.

2 Sec. 4. (1) Each deaf **OR DEAF-BLIND** person whose appearance in
3 an action or other proceeding entitles the deaf **OR DEAF-BLIND**
4 person to a ~~certified interpreter or~~ qualified interpreter shall
5 ~~notify~~ **PROVIDE REASONABLE NOTICE TO** the appointing authority of the
6 need of a ~~certified interpreter or~~ qualified interpreter before the
7 appearance. **EACH DEAF OR DEAF-BLIND PERSON WHO IS ENTITLED TO A**
8 **QUALIFIED INTERPRETER AS AN ACCOMMODATION UNDER STATE OR FEDERAL**
9 **LAW SHALL PROVIDE REASONABLE NOTICE TO THE APPOINTING AUTHORITY OF**
10 **THE NEED FOR A QUALIFIED INTERPRETER.**

11 (2) An appointing authority, when it knows a deaf **OR DEAF-**
12 **BLIND** person is ~~,~~ or will be coming before it, shall inform the
13 deaf **OR DEAF-BLIND** person of the right to a ~~certified interpreter~~
14 ~~or~~ qualified interpreter.

15 (3) An appointing authority may require a person requesting
16 the appointment of a ~~certified interpreter or~~ qualified interpreter
17 to furnish reasonable proof of the person's deafness, if the
18 appointing authority has reason to believe that the person is not
19 deaf **OR DEAF-BLIND**.

20 Sec. 5. (1) If a deaf **OR DEAF-BLIND** person is arrested and
21 taken into custody for any alleged violation of a criminal law of
22 this state, the arresting officer and the officer's supervisor
23 shall procure a ~~certified interpreter or~~ qualified interpreter in
24 order to properly interrogate the deaf **OR DEAF-BLIND** person and to
25 interpret the deaf **OR DEAF-BLIND** person's statements.

26 (2) A statement taken from a deaf **OR DEAF-BLIND** person before
27 a ~~certified interpreter or~~ qualified interpreter is present shall

1 ~~IS~~ not ~~be~~ admissible in court.

2 Sec. 6. (1) Before a ~~certified interpreter or~~ qualified
3 interpreter participates in any action or other proceeding because
4 of an appointment under this act, the ~~certified interpreter or~~
5 qualified interpreter shall make an oath or affirmation that the
6 ~~certified interpreter or~~ qualified interpreter will make a true
7 interpretation in an understandable manner to the deaf **OR DEAF-**
8 **BLIND** person for whom the ~~certified interpreter or~~ qualified
9 interpreter is appointed and that the ~~certified interpreter or~~
10 qualified interpreter will interpret the statements of the deaf **OR**
11 **DEAF-BLIND** person in the English language to the best of the
12 interpreter's skill. The appointing authority shall provide recess
13 periods as necessary for the ~~certified interpreter or~~ qualified
14 interpreter when the ~~certified interpreter or~~ qualified interpreter
15 so indicates.

16 (2) The information that the ~~certified interpreter, qualified~~
17 interpreter, ~~or~~ intermediary interpreter, **OR DEAF INTERPRETER**
18 gathers from the deaf **OR DEAF-BLIND** person pertaining to any action
19 or other **PENDING** proceeding ~~then pending~~ shall at all times remain
20 confidential and privileged, unless the deaf **OR DEAF-BLIND** person
21 executes a written waiver allowing the information to be
22 communicated to other persons and the deaf **OR DEAF-BLIND** person is
23 present at the time the information is communicated.

24 Sec. 7. (1) A court appointed interpreter, qualified
25 interpreter, ~~or~~ intermediary interpreter, **OR DEAF INTERPRETER** shall
26 be paid a fee by the court ~~which~~ **THAT** it determines to be
27 reasonable. A ~~certified interpreter, qualified interpreter, or~~

1 intermediary interpreter, **OR DEAF INTERPRETER** appointed by an
 2 appointing authority other than a court shall be paid a fee by the
 3 appointing authority. ~~under a schedule of fees promulgated by the~~
 4 ~~division of deaf and deafened of the department of labor with the~~
 5 ~~advice of the Michigan registry of interpreter, for the deaf,~~
 6 ~~pursuant to Act No. 306 of the Public Acts of 1969, as amended,~~
 7 ~~being sections 24.201 to 24.315 of the Michigan Compiled Laws.~~ In
 8 addition, a ~~certified interpreter,~~ qualified interpreter, ~~or~~
 9 intermediary interpreter, **OR DEAF INTERPRETER** shall be paid for his
 10 or her actual expenses for travel, meals, and lodging.

11 (2) If the ~~certified interpreter,~~ qualified interpreter, ~~or~~
 12 intermediary interpreter, **OR DEAF INTERPRETER** is appointed by an
 13 appointing authority other than a court, the fee shall be paid out
 14 of funds available to the appropriate appointing authority.

15 (3) A ~~certified interpreter or~~ qualified interpreter appointed
 16 for the deaf **OR DEAF-BLIND** person shall be available for the
 17 duration of the deaf **OR DEAF-BLIND** person's participation in the
 18 action or other proceeding.

19 Sec. 8. (1) The appointing authority shall channel requests
 20 for ~~certified interpreters,~~ qualified interpreters, and
 21 intermediary interpreters, **AND DEAF INTERPRETERS** through the
 22 division. ~~on deafness of the department of labor.~~

23 (2) The division ~~on deafness of the department of labor~~ shall
 24 compile and update annually a listing of ~~certified interpreters,~~
 25 qualified interpreters, ~~and~~ intermediary interpreters, **AND DEAF**
 26 **INTERPRETERS** and shall make this listing available to an appointing
 27 authority ~~which~~ **THAT** may need the services of a ~~certified~~

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1 ~~interpreter,~~ qualified interpreter, ~~or~~ intermediary interpreter, OR
2 DEAF INTERPRETER as required by this act.

3 SEC. 8A. (1) THE DIVISION, WITH THE ADVICE OF THE DEPARTMENT
4 OF EDUCATION<<

5 >>, SHALL PROMULGATE RULES, UNDER THE ADMINISTRATIVE
6 PROCEDURES ACT OF 1969, 1969 PA 306, MCL 24.201 TO 24.328, THAT
7 GOVERN PROCEDURES FOR APPLICATION, TESTING, REVOCATION, SUSPENSION
8 OR LIMITATION OF CERTIFICATION, CONTINUING EDUCATION, RENEWALS, AND
9 GRIEVANCES<<, MINIMUM CREDENTIAL REQUIREMENTS AND LEVELS, AND MINIMUM
STANDARDS OF PRACTICE.

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13 (2)>> THE RULES PROMULGATED UNDER THIS SECTION SHALL BE
14 COORDINATED WITH THE DEPARTMENT OF EDUCATION AND THE ADMINISTRATIVE
15 RULE FOR SPECIAL EDUCATION, R 340.1793A OF THE MICHIGAN
16 ADMINISTRATIVE CODE.

17 SEC. 8B. (1) A PERSON WHO KNOWS THAT HE OR SHE DOES NOT MEET
18 THE DEFINITION OF QUALIFIED INTERPRETER UNDER THIS ACT AND
19 MISREPRESENTS HIMSELF OR HERSELF AS A QUALIFIED INTERPRETER IS
20 GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE
21 THAN 90 DAYS OR A FINE OF NOT LESS THAN \$500.00 OR MORE THAN
22 \$1,000.00, OR BOTH.

23 <<(2) AN INDIVIDUAL WHO APPLIES TO BECOME CERTIFIED AS A
24 QUALIFIED INTERPRETER THROUGH THE STATE BY THE DIVISION OR A
25 QUALIFIED INTERPRETER CERTIFIED THROUGH THE STATE BY THE DIVISION
26 WHO VIOLATES THIS ACT IS SUBJECT TO 1 OR MORE OF THE FOLLOWING
27 ACTIONS BY THE DIVISION:

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1 (A) REJECTION OF HIS OR HER APPLICATION FOR CERTIFICATION AS A
2 QUALIFIED INTERPRETER UNDER THIS ACT.

3 (B) REVOCATION, SUSPENSION, OR LIMITATION OF HIS OR HER
4 CERTIFICATION AS A QUALIFIED INTERPRETER UNDER THIS ACT.

5 (3) AN APPOINTING AUTHORITY THAT WILLFULLY VIOLATES SECTION 3A IS
6 SUBJECT TO A CIVIL FINE OF NOT LESS THAN \$1,000.00 AND NOT MORE THAN
7 \$10,000.00.>>

8 (4) SUBSECTION <<(3)>> BECOMES EFFECTIVE ON THE EFFECTIVE DATE OF
9 THE RULES PROMULGATED UNDER THIS <<PURSUANT TO SECTION 8A>>.

10 SEC. 8C. A PERSON WHO IS CERTIFIED THROUGH AND IS IN GOOD
11 STANDING WITH THE NATIONAL REGISTRY OF INTERPRETERS FOR THE DEAF <<
12 >> SHALL BE
13 ISSUED A STATE CERTIFICATION UPON FILING A COMPLETE APPLICATION AND
14 SUBMITTING THE \$30.00 APPLICATION FEE.

15 SEC. 8D. ANY PERSON POSSESSING A MICHIGAN QUALITY ASSURANCE
16 CERTIFICATION AT THE LEVEL OF I, II, OR III, ON THE EFFECTIVE DATE
17 OF THE AMENDATORY ACT THAT ADDED THIS SECTION, SHALL BE CONSIDERED
18 A QUALIFIED INTERPRETER FOR PURPOSES OF THIS ACT UNTIL THAT
19 CERTIFICATION STATUS EXPIRES. HE OR SHE MAY RENEW THE CERTIFICATE
20 ANNUALLY UNTIL IT EXPIRES AND RETESTING IS REQUIRED.

21 SEC. 8E. (1) A PERSON WHO IS A QUALIFIED INTERPRETER, UPON
22 PRESENTATION OF NATIONAL CERTIFICATION CREDENTIALS AND WITHOUT
23 EXAMINATION, SHALL PAY A \$30.00 APPLICATION FEE, THAT SHALL ALSO
24 FULFILL THE INITIAL CERTIFICATION REQUIREMENT UNDER SUBSECTION (2).

25 (2) THE DIVISION SHALL COLLECT A \$30.00 ANNUAL RENEWAL FEE FOR
26 ISSUING STATE CERTIFICATION CREDENTIALS FOR ALL QUALIFIED
27 INTERPRETERS UNDER THIS ACT.

1 (3) THE DIVISION SHALL COLLECT A \$125.00 EXAMINATION FEE FROM
2 EACH RESIDENT OF THIS STATE APPLYING TO TAKE AN EXAMINATION FOR
3 CERTIFICATION UNDER THIS ACT. THE DIVISION SHALL COLLECT A \$175.00
4 EXAMINATION FEE FROM EACH PERSON WHO DOES NOT RESIDE IN THIS STATE
5 WHO APPLIES TO TAKE AN EXAMINATION FOR CERTIFICATION UNDER THIS
6 ACT.

7 Enacting section 1. This amendatory act does not take effect
8 unless House Bill No. 4208 of the 94th Legislature is enacted into
9 law.