

Chapter 705

(House Bill 1148)

AN ACT concerning

Courts – Victims of Crime – Interpreters

FOR the purpose of altering certain requirements relating to the use of an interpreter in court to include the appointment of an interpreter for a victim or victim's representative who is deaf or cannot readily understand or communicate the spoken English language; authorizing a victim or victim's representative to apply for appointment of a certain interpreter; making conforming changes; making a certain technical correction; and generally relating to interpreters in court proceedings.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 9–114(a)
Annotated Code of Maryland
(2006 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 1–202 and 3–103
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, without amendments,
Article – Criminal Procedure
Section 11–104(a)
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Courts and Judicial Proceedings

9–114.

(a) (1) If a party [or], A witness, OR A VICTIM OR VICTIM'S REPRESENTATIVE, AS DEFINED IN § 11–104(A) OF THE CRIMINAL PROCEDURE ARTICLE, is deaf or cannot readily understand or communicate the spoken English

language, any party **OR A VICTIM OR VICTIM'S REPRESENTATIVE** may apply to the court for the appointment of a qualified interpreter to assist that person.

(2) [Upon the application of any party or witness who is deaf] **ON RECEIVING THE APPLICATION UNDER PARAGRAPH (1) OF THIS SUBSECTION**, the court shall appoint a qualified interpreter to assist that person.

(3) The court shall maintain a directory of interpreters for manual communication [and/or] **OR** oral interpretation to assist deaf persons **OR PERSONS WHO CANNOT READILY UNDERSTAND OR COMMUNICATE THE SPOKEN ENGLISH LANGUAGE**.

Article – Criminal Procedure

1-202.

(a) **(1)** The court shall appoint a qualified interpreter to help a defendant in a criminal proceeding throughout any criminal proceeding when the defendant [is]:

[(1)] (I) IS deaf; or

[(2)] (II) cannot readily understand or communicate the English language and cannot understand a charge made against the defendant or help present the defense.

(2) **ON APPLICATION OF A VICTIM OR VICTIM'S REPRESENTATIVE, AS DEFINED IN § 11-104(A) OF THIS ARTICLE, THE COURT SHALL APPOINT A QUALIFIED INTERPRETER TO HELP THE VICTIM OR THE VICTIM'S REPRESENTATIVE THROUGHOUT ANY CRIMINAL PROCEEDING WHEN THE VICTIM OR THE VICTIM'S REPRESENTATIVE:**

(I) **IS DEAF; OR**

(II) **CANNOT READILY UNDERSTAND OR COMMUNICATE THE ENGLISH LANGUAGE.**

(b) The court shall give an interpreter appointed under this section:

(1) compensation for services in an amount equal to that provided for interpreters of languages other than English; and

(2) reimbursement for actual and necessary expenses incurred in the performance of services.

3-103.

(a) **(1)** The court shall appoint a qualified interpreter to help a defendant throughout any court proceedings under this title when the defendant [is]:

[(1)] (I) IS deaf; or

[(2)] (II) cannot readily understand or communicate the English language and cannot understand a charge made against the defendant or help present the defense.

(2) ON APPLICATION OF A VICTIM OR VICTIM'S REPRESENTATIVE, AS DEFINED IN § 11-104(A) OF THIS ARTICLE, THE COURT SHALL APPOINT A QUALIFIED INTERPRETER TO HELP THE VICTIM OR THE VICTIM'S REPRESENTATIVE THROUGHOUT ANY COURT PROCEEDING WHEN THE VICTIM OR THE VICTIM'S REPRESENTATIVE:

(I) IS DEAF; OR

(II) CANNOT READILY UNDERSTAND OR COMMUNICATE THE ENGLISH LANGUAGE.

(b) The court shall give an interpreter appointed under this section:

(1) compensation for services in an amount equal to that provided for interpreters of languages other than English; and

(2) reimbursement for actual and necessary expenses incurred in the performance of services.

11-104.

(a) (1) In this section the following words have the meanings indicated.

(2) "Victim" means a person who suffers actual or threatened physical, emotional, or financial harm as a direct result of a crime or delinquent act.

(3) "Victim's representative" includes a family member or guardian of a victim who is:

(i) a minor;

(ii) deceased; or

(iii) disabled.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2012.

Approved by the Governor, May 22, 2012.