

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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SENATE BILL 510
PROPOSED COMMITTEE SUBSTITUTE S510-PCS85208-ST-19

Short Title: Expand Interpreting Services.

(Public)

Sponsors:

Referred to:

March 11, 2009

A BILL TO BE ENTITLED

AN ACT TO PROVIDE EQUAL ACCESS TO COURT SERVICES AND TO FULLY FUND
INTERPRETER NEEDS IN THE COURTS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 7A-314(f) is repealed.

SECTION 2. Article 28 of Chapter 7A of the General Statutes is amended by
adding a new section to read:

"§ 7A-314A. Foreign language interpreting and translating services.

(a) Notwithstanding any other provision of law, if a party or witness in the General Court of Justice does not speak or understand the English language, the cost of interpreting or translating services for the party or witness is payable from funds appropriated to the Judicial Department. With regard to a party for which the Judicial Department is bearing the costs of representation, or a witness for such a party, the Administrative Office of the Courts and the Office of Indigent Defense Services may enter into a memorandum of understanding for the payment of interpreting and translating services. The appointment and payment of interpreters and translators under this section shall be made in accordance with G.S. 7A-343(9c).

(b) If a party or witness elects to use an interpreter or translator of his or her own choice in lieu of an interpreter or translator provided by the Administrative Office of the Courts under this section, the party or witness shall bear the cost of the interpreter or translator.

(c) Except in cases in which the Judicial Department is bearing the costs of representation, nothing in this section shall be construed to obligate the Administrative Office of the Courts to bear the cost of interpreting or translating services for noncourt services and activities, such as discovery, trial, preparation, and attorney-client meetings.

(d) The court may order a party or witness to bear the cost of interpreting or translating services when the party or witness was the person for whom the services were required and the party or witness, without good cause, failed to appear."

SECTION 3. G.S. 7A-343(9c) reads as rewritten:

"§ 7A-343. Duties of Director.

The Director is the Administrative Officer of the Courts, and the Director's duties include all of the following:

...

(9c) Prescribe policies and procedures for the appointment and payment of foreign language interpreters in those cases specified in ~~G.S. 7A-314(f)~~-G.S. 7A-314A. These policies and procedures shall be applied uniformly



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1 throughout the General Court of Justice. After consultation with the Joint
2 Legislative Commission on Governmental Operations, the Director may also
3 convert contractual foreign language interpreter positions to permanent State
4 positions when the Director determines that it is more cost-effective to do so.

5"

6 **SECTION 4.** G.S. 7A-305(d) reads as rewritten:

7 "(d) The following expenses, when incurred, are assessable or recoverable, as the case
8 may be. The expenses set forth in this subsection are complete and exclusive and constitute a
9 limit on the trial court's discretion to tax costs pursuant to G.S. 6-20:

- 10 (1) Witness fees, as provided by law.
- 11 (2) Jail fees, as provided by law.
- 12 (3) Counsel fees, as provided by law.
- 13 (4) Expense of service of process by certified mail and by publication.
- 14 (5) Costs on appeal to the superior court, or to the appellate division, as the case
15 may be, of the original transcript of testimony, if any, insofar as essential to
16 the appeal.
- 17 (6) Fees for personal service and civil process and other sheriff's fees, as
18 provided by law. Fees for personal service by a private process server may
19 be recoverable in an amount equal to the actual cost of such service or fifty
20 dollars (\$50.00), whichever is less, unless the court finds that due to
21 difficulty of service a greater amount is appropriate.
- 22 (7) Fees of mediators appointed by the court, mediators agreed upon by the
23 parties, guardians ad litem, referees, receivers, commissioners, surveyors,
24 arbitrators, appraisers, and other similar court appointees, as provided by
25 law. The fee of such appointees shall include reasonable reimbursement for
26 stenographic assistance, when necessary.
- 27 (8) ~~Fees of interpreters, when authorized and approved by the court.~~ interpreters
28 not paid by the Administrative Office of the Courts under G.S. 7A-314A.
- 29 (9) Premiums for surety bonds for prosecution, as authorized by G.S. 1-109.
- 30 (10) Reasonable and necessary expenses for stenographic and videographic
31 assistance directly related to the taking of depositions and for the cost of
32 deposition transcripts.
- 33 (11) Reasonable and necessary fees of expert witnesses solely for actual time
34 spent providing testimony at trial, deposition, or other proceedings.

35 Nothing in this subsection or in G.S. 6-20 shall be construed to limit the trial court's authority
36 to award fees and expenses in connection with pretrial discovery matters as provided in Rule
37 26(b) or Rule 37 of the Rules of Civil Procedure, and no award of costs made pursuant to this
38 section or pursuant to G.S. 6-20 shall reverse or modify any such orders entered in connection
39 with pretrial discovery."

40 **SECTION 5.** There is appropriated from the General Fund to the Administrative
41 Office of the Courts the sum of one million four hundred twenty-two thousand six hundred
42 forty-one dollars (\$1,422,641) for the 2009-2010 fiscal year and the sum of one million four
43 hundred twenty-two thousand six hundred forty-one dollars (\$1,422,641) for the 2010-2011
44 fiscal year to fund additional foreign language interpreter services.

45 **SECTION 6.** On and after the effective date of this act, no order for reimbursement
46 may be entered against a party or witness for the services of a court-appointed interpreter or
47 translator rendered prior to the effective date of this act, except as provided in G.S. 7A-314A(d)
48 or G.S. 7A-305(d).

49 **SECTION 7.** Section 5 of this act becomes effective July 1, 2009. The remainder
50 of this act becomes effective December 1, 2009.