

RS 46:2361

§2361. Purpose

It is the policy of this state to secure the rights of persons with hearing impairments who cannot readily understand or communicate in spoken languages and who consequently cannot equally participate in or benefit from proceedings, programs, and activities of the courts, legislative bodies, administrative agencies, licensing commissions, departments, and boards of the state and its subdivisions unless qualified interpreters/transliterators are available to facilitate communication.

Added by Acts 1982, No. 135, §1.

RS 46:2362

§2362. Definitions

As used in this Chapter:

(1) "Appointing authority" means the presiding officer or similar official of any court, board, commission, authority, department, agency, legislative body or of any proceeding of any nature where a qualified interpreter/transliterator is required pursuant to this Chapter.

(2) A "hearing-impaired person" means a person who, because of a hearing impairment, has difficulty understanding the communication occurring.

(3) "Interpreter/transliterator" means a facilitator of communication among hearing and hearing-impaired persons as provided in R.S. 46:2365 and R.S. 46:2368.

(4) "Intermediary interpreter/transliterator" means any person, including any hearing-impaired person, who is able to assist in providing an accurate interpretation between spoken English and sign language or between variants of sign language by acting as an intermediary between a hearing-impaired person and a qualified interpreter/transliterator. The intermediary interpreter/transliterator may be needed for non-manual hearing-impaired persons and shall be provided.

(5) "Qualified interpreter/transliterator" means any person certified by the Registry of Interpreters for the Deaf, or in the event an interpreter/transliterator so certified is not available, one whose qualifications are such that he is able to accurately communicate with and convey information to and from the hearing-impaired person. (6) "Quasi-judicial proceeding" means any proceeding of a public administrative office or body which is required to investigate facts, ascertain the existence of facts, hold hearings and draw conclusions from them as a basis for their official action, and to exercise discretion of a judicial nature.

Added by Acts 1982, No. 135, §1.

RS 46:2363

§2363. Waiver

The right of a hearing-impaired person to the services of an interpreter/transliterator may not be waived except by a hearing-impaired person who requests a waiver. The failure of the hearing-impaired person to request the services of an interpreter/transliterator is not deemed a waiver of that right.

Added by Acts 1982, No. 135, §1.

RS 46:2364**§2364. Interpreter/transliterator required**

A. Whenever a hearing-impaired person is a party or witness at any stage involving direct communication with hearing-impaired persons or his legal representative or custodian during any judicial or quasi-judicial proceeding in this state or in its political subdivisions, including but not limited to proceedings of civil and criminal court, grand jury, before a magistrate, juvenile, adoption, mental health commitment, and any proceeding in which a hearing-impaired person may be subjected to confinement or criminal sanction, the appointing authority shall appoint and pay for a qualified interpreter/transliterator to interpret or transliterate the proceedings to the hearing-impaired person and to interpret or transliterate the hearing-impaired person's testimony.

B. Whenever a juvenile whose parent is hearing-impaired is brought before a court for any reason, the court shall appoint and pay for a qualified interpreter/transliterator to interpret or transliterate the proceedings to the hearing-impaired parent and to interpret or transliterate the hearing-impaired parent's testimony.

C. If any hearing or proceeding of any department, board, licensing authority, commission, or administrative agency of the state or of its political subdivision is held, the appointing authority shall appoint and pay for a qualified interpreter/transliterator for hearing-impaired participants.

D. Whenever a hearing-impaired person is a witness before any legislative committee or subcommittee, or legislative research or study committee or subcommittee or commission authorized by the state legislature or by the legislative body of any political subdivision of the state, the appointing authority shall appoint and pay for a qualified interpreter/transliterator to interpret/transliterate the proceedings to the hearing-impaired person and to interpret/transliterate the hearing-impaired person's testimony.

E.(1) Whenever a hearing-impaired person is arrested for an alleged violation of a criminal law, including a local ordinance, the arresting officer shall procure and the court with jurisdiction over the alleged violation shall pay for a qualified interpreter/transliterator for any interrogation, warning, notification of rights, or taking of a statement.

(2) No hearing-impaired person who has been arrested and who is otherwise eligible for release shall be held in custody pending arrival of an interpreter/transliterator.

(3) No answer, statement, or admission, written or oral, made by a hearing-impaired person in reply to a question of a law enforcement officer or any other person having a prosecutorial function in any criminal proceeding may be used against that hearing-impaired person unless either the statement was made or elicited through a qualified interpreter/transliterator and was made knowingly, voluntarily, and intelligently or, in the case of waiver of interpreters/transliterators, unless the court makes a special finding that any statement made by the hearing-impaired person was made knowingly, voluntarily, and intelligently.

F. Where it is the policy and practice of a court of this state or of its political subdivisions to appoint counsel for indigent persons, the appointing authority shall appoint and pay for a qualified interpreter/transliterator for hearing-impaired indigent people to assist in communication with counsel in all phases of the preparation and presentation of the case.

Added by Acts 1982, No. 135, §1. Acts 1984, No. 425, §1.

RS 46:2365

§2365. Determination of interpreter's/transliterators qualifications

A. Before appointing an interpreter/transliterators, the appointing authority shall make a preliminary determination, based on the hearing-impaired person's needs, the certification of an interpreter/transliterators and upon the recommendation of the Louisiana Commission for the Deaf. If the interpreter/transliterators is not able to facilitate effective communication with the hearing-impaired person, the appointing authority shall provide another qualified interpreter/transliterators.

B. Upon request of the person for whom the interpreter/transliterators is appointed, or on the appointing authority's own motion, an interpreter/transliterators may be removed for the inability to communicate with the hearing impaired person, or if, for reasonable cause, another interpreter/transliterators is so desired by the hearing impaired person for whom the interpreter/transliterators is serving.

Added by Acts 1982, No. 135, §1.

RS 46:2366

§2366. Intermediary interpreter/transliterators to be used

If a qualified interpreter/transliterators is unable to render a satisfactory interpretation/transliteration without the aid of an intermediary interpreter/transliterators, the appointing authority shall appoint and pay for an intermediary interpreter/transliterators to assist the qualified interpreter/transliterators, subject to the same provisions that govern a qualified interpreter/transliterators under this Chapter.

Added by Acts 1982, No. 135, §1.

RS 46:2367

§2367. Interpreter/transliterators in full view

Whenever an interpreter/transliterators is required to be appointed under this Chapter, the appointing authority shall not commence proceedings until the appointed interpreter/transliterators is in full view of and spatially situated to assure effective communication with the hearing-impaired participant.

Added by Acts 1982, No. 135, §1

RS 46:2368

§2368. Coordination of interpreter/transliterators requests

A. The Louisiana Commission for the Deaf shall establish, maintain, update, and distribute a list of qualified interpreters/transliterators. The commission shall obtain the names of interpreters for this list from the Louisiana Registry of Interpreters for the Deaf and other appropriate sources, such as National Registry of Interpreters for the Deaf, Louisiana School for the Deaf, and Louisiana Association of the Deaf.

B. Whenever an interpreter/transliterators is required under this Chapter, the appointing authority shall use one of the interpreters/transliterators on the Louisiana Commission for the Deaf list. If none of the listed interpreters/transliterators is available or is able to provide effective communication with the particular hearing-impaired person, then the appointing authority shall appoint any other person who is able to

accurately communicate with and convey information to and from the particular hearing-impaired person involved.

Added by Acts 1982, No. 135, §1.

RS 46:2369

§2369. Oath of interpreter

Before he begins to interpret or transliterate, every interpreter/transliterater appointed under this Chapter shall take an oath that he will make a true interpretation/transliteration in an understandable manner to the best of his skills and judgment.

Added by Acts 1982, No. 135, §1.

RS 46:2370

§2370. Compensation

An interpreter/transliterater appointed under this Chapter is entitled to a reasonable fee for his services, including waiting time and reimbursement for necessary travel and subsistence expenses. The Louisiana Commission for the Deaf may pay the fee for such services which shall be based on the fee schedule for interpreters/transliteraters established by the commission, however, in any judicial proceeding the fee shall be fixed by the court. Reimbursement for necessary travel and subsistence expenses shall be at rates provided by law for state employees generally.

Added by Acts 1982, No. 135, §1; Acts 1985, No. 1021, §1.

RS 46:2371

§2371. Privileged communications

No interpreter/transliterater for the deaf is permitted, without consent of the person making the communication, to disclose any communication made in confidence by one seeking situation specific service, or any information that may have been obtained by reason of being such interpreter/transliterater.

Added by Acts 1982, No. 135, §1. Acts 1988, No. 922, §1.

RS 46:2372

§2372. Visual recording

The appointing authority, on his own motion or on the motion of a party to the proceedings, may order that the testimony of the hearing-impaired person and the interpretation/transliteration thereof be electronically or visually recorded for use in verification of the official transcript of the proceedings.

Added by Acts 1982, No. 135, §1

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Act 135 was enacted by the Louisiana Legislature, Regular Session, 1982, Senate Bill No. 430.