§ 16-10-1101. Purpose

(a) The State of Arkansas requires that court proceedings be conducted in the English language under § 16-10-107.

(b) Recognizing that a person with limited English proficiency cannot fully participate in the legal process and exercise the rights afforded to him or her, a court shall appoint a qualified interpreter to assist a person with limited English proficiency in a court proceeding.

§ 16-10-1102. Definitions

As used in this subchapter:

(1) "Interpret" means to convey spoken English in a manner understood by a person who has limited English proficiency by using American Sign Language and transliteration, Communication Access Realtime Translation (CART) services or similar procedures, or a language in which the person is fluent, and to convey the communication made by that person into spoken English; and

(2) "Limited English proficiency" means either:

(A) The inability of a person to adequately understand or communicate effectively in English in a court proceeding because the person has not developed fluency in English; or

(B) The inability of a person to adequately hear, understand, or communicate effectively in English in a court proceeding due to a speech impairment, hearing loss, deafness, deaf-blindness, or other disability.

§ 16-10-1103. Court interpreter for persons with limited English proficiency

(a) A person with limited English proficiency who is a party to or a witness in a court proceeding is entitled to a qualified interpreter to interpret for the person throughout the court proceeding.

(b)(1) The Supreme Court shall administer an interpreter program to appoint and use interpreters in court proceedings and to ensure interpreter certification, continued proficiency, and discipline.

(2) Staff and administrative support required by the court relating to the program shall be provided by the Administrative Office of the Courts, and the program may include:

(A) Establishing and administering a comprehensive testing and certification program for foreign language interpreters;

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(B) Establishing and adopting standards concerning written and verbal proficiency in English and the foreign language to be interpreted;

(C) Establishing and adopting recognized standards for interpreters for the deaf and hearing impaired, including without limitation certification by the Registry of Interpreters for the Deaf or similar registries;

(D) Conducting periodic examinations to ensure the availability of certified interpreters;

(E) Charging reasonable fees as necessary for testing and certification;

(F) Ensuring reciprocity of certification for interpreters from other jurisdictions provided that the criteria for certification in the foreign jurisdiction is comparable to that established by the office;

(G) Establishing a schedule of reasonable fees for services rendered by interpreters in court proceedings;

(H) Establishing a process to review and respond to allegations of misconduct by interpreters; and

(I) Addressing other matters relating to interpreters in the courts.

(c)(1) The General Assembly may appropriate to the office funds as necessary to establish a program to facilitate the use of interpreters and otherwise satisfy the requirements of this subchapter.

(2) Implementation of this subchapter is contingent upon the availability of appropriated funds to carry out its purposes.

(d)(1) With the support of the office, all court personnel shall make a reasonable effort to ensure public awareness of interpreter services.

(2) Clerks of court shall clearly publicize the availability of interpreter services.

§ 16-10-1104. Appointment of interpreter

(a) The Administrative Office of the Courts shall compile, maintain, and disseminate a certified registry of qualified interpreters for the courts.

(b) When an interpreter is requested or when the court determines that a party to or a witness in a court proceeding has limited English proficiency, a qualified interpreter shall be appointed under procedures adopted by the Supreme Court.

(c) An attorney, a clerk of court, employee or officer of a law enforcement agency, or a party to or a witness in a court

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proceeding shall notify the court as soon as the need for an interpreter is identified.

(d) If a qualified interpreter is not available through the office's registry, the court may appoint an interpreter qualified under procedures adopted by the court, and the interpreter shall take the oath under § 16-10-1105.

§ 16-10-1105. Interpreter oath

Before commencing his or her duties, an interpreter appointed under this subchapter shall take an oath in substantially the following form: "Do you [swear] [affirm] that you will make a true and impartial interpretation using your best skills and judgment in accordance with the standards and ethics of the interpreter profession and that you will abide by the Arkansas Code of Professional Responsibility for Interpreters in the Judiciary, [so help you God][under the penalty of perjury]?"

§ 16-10-1106. Replacement of interpreter

(a) A court that appoints an interpreter shall dismiss the interpreter and obtain the services of a qualified interpreter under procedures adopted by the Supreme Court:

(1) If the interpreter fails to follow the standards prescribed by law or by the Arkansas Code of Professional Responsibility for Interpreters in the Judiciary;

(2) If the interpreter is unable to effectively communicate; or

(3) For other reasons prescribed by the Supreme Court.

(b) A court that appoints an interpreter shall notify the Administrative Office of the Courts in writing if the court dismisses an interpreter, setting forth the reason for the dismissal.

§ 16-10-1107. Confidential communications in presence of interpreter

An interpreter appointed under this subchapter shall not be compelled to testify in a court proceeding as to any statements made by the person with limited English proficiency and interpreted by the interpreter when the person with limited English proficiency is engaged in a privileged communication recognized by the Arkansas Rules of Evidence.

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§ 16-10-1108. Compensation of interpreter

(a) Except as provided in subsection (b) of this section, the payment of the cost of providing an interpreter appointed under this subchapter shall be the responsibility of the local government responsible for funding the court that has jurisdiction over the court proceeding.

(b) If an interpreter from the registry maintained by the Administrative Office of the Courts is appointed by a court, the court may certify upon prescribed forms upon the conclusion of the interpreter's services those services to the office for payment from funds specifically appropriated for this purpose at the rate set by the office.

(c) A person with limited English proficiency who is a party to or witness in a court proceeding shall not be denied the services of an interpreter because he or she is unable to pay for the services.

(d) A defendant in a criminal proceeding shall not be required to pay a fee for the services of a court-appointed interpreter.

(e) If costs are assessed or collected by the court under the Arkansas Rules of Civil Procedure, the disposition of the costs shall be at the discretion of the court, and the court may order reimbursement to the local government responsible for funding the court or the Administrative Office of the Courts for their responsibilities under this subchapter.

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