

Act No. 23
Public Acts of 2007
Approved by the Governor
June 28, 2007
Filed with the Secretary of State
June 28, 2007
EFFECTIVE DATE: June 28, 2007

**STATE OF MICHIGAN
94TH LEGISLATURE
REGULAR SESSION OF 2007**

Introduced by Senator Gleason

ENROLLED SENATE BILL No. 25

AN ACT to amend 1982 PA 204, entitled "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, and to provide for the promulgation of rules," 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:

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; 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 the promulgation of rules.

Sec. 4. (1) Each deaf or deaf-blind person whose appearance in an action or other proceeding entitles the deaf or deaf-blind person to a qualified interpreter shall provide reasonable notice to the appointing authority of the need of a qualified interpreter before the appearance. Each deaf or deaf-blind person who is entitled to a qualified interpreter as an accommodation under state or federal law shall provide reasonable notice to the appointing authority of the need for a qualified interpreter.

(2) An appointing authority, when it knows a deaf or deaf-blind person is or will be coming before it, shall inform the deaf or deaf-blind person of the right to a qualified interpreter.

(3) An appointing authority may require a person requesting the appointment of a qualified interpreter to furnish reasonable proof of the person's deafness, if the appointing authority has reason to believe that the person is not deaf or deaf-blind.

Sec. 5. (1) If a deaf or deaf-blind person is arrested and taken into custody for any alleged violation of a criminal law of this state, the arresting officer and the officer's supervisor shall procure a qualified interpreter in order to properly interrogate the deaf or deaf-blind person and to interpret the deaf or deaf-blind person's statements.

(2) A statement taken from a deaf or deaf-blind person before a qualified interpreter is present is not admissible in court.

Sec. 6. (1) Before a qualified interpreter participates in any action or other proceeding because of an appointment under this act, the qualified interpreter shall make an oath or affirmation that the qualified interpreter will make a true interpretation in an understandable manner to the deaf or deaf-blind person for whom the qualified interpreter is appointed and that the qualified interpreter will interpret the statements of the deaf or deaf-blind person in the English language to the best of the interpreter's skill. The appointing authority shall provide recess periods as necessary for the qualified interpreter when the qualified interpreter so indicates.

(2) The information that the qualified interpreter, intermediary interpreter, or deaf interpreter gathers from the deaf or deaf-blind person pertaining to any action or other pending proceeding shall at all times remain confidential and privileged, unless the deaf or deaf-blind person executes a written waiver allowing the information to be communicated to other persons and the deaf or deaf-blind person is present at the time the information is communicated.

Sec. 7. (1) A court appointed interpreter, qualified interpreter, intermediary interpreter, or deaf interpreter shall be paid a fee by the court that it determines to be reasonable. A qualified interpreter, intermediary interpreter, or deaf interpreter appointed by an appointing authority other than a court shall be paid a fee by the appointing authority. In addition, a qualified interpreter, intermediary interpreter, or deaf interpreter shall be paid for his or her actual expenses for travel, meals, and lodging.

(2) If the qualified interpreter, intermediary interpreter, or deaf interpreter is appointed by an appointing authority other than a court, the fee shall be paid out of funds available to the appropriate appointing authority.

(3) A qualified interpreter appointed for the deaf or deaf-blind person shall be available for the duration of the deaf or deaf-blind person's participation in the action or other proceeding.

Sec. 8. (1) The appointing authority shall channel requests for qualified interpreters, intermediary interpreters, and deaf interpreters through the division.

(2) The division shall compile and update annually a listing of qualified interpreters, intermediary interpreters, and deaf interpreters and shall make this listing available to an appointing authority that may need the services of a qualified interpreter, intermediary interpreter, or deaf interpreter as required by this act.

Sec. 8a. (1) The division, with the advice of the department of education, shall promulgate rules, under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, that govern procedures for application, testing, revocation, suspension or limitation of certification, continuing education, renewals, and grievances, minimum credential requirements and levels, and minimum standards of practice.

(2) The rules promulgated under this section shall be coordinated with the department of education and the administrative rule for special education, R 340.1793a of the Michigan administrative code.

Sec. 8b. (1) A person who knows that he or she does not meet the definition of qualified interpreter under this act and misrepresents himself or herself as a qualified interpreter is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not less than \$500.00 or more than \$1,000.00, or both.

(2) An individual who applies to become certified as a qualified interpreter through the state by the division or a qualified interpreter certified through the state by the division who violates this act is subject to 1 or more of the following actions by the division:

(a) Rejection of his or her application for certification as a qualified interpreter under this act.

(b) Revocation, suspension, or limitation of his or her certification as a qualified interpreter under this act.

(3) An appointing authority that willfully violates section 3a is subject to a civil fine of not less than \$1,000.00 and not more than \$10,000.00.

(4) Subsection (3) becomes effective on the effective date of the rules promulgated under this pursuant to section 8a.

Sec. 8c. A person who is certified through and is in good standing with the national registry of interpreters for the deaf shall be issued a state certification upon filing a complete application and submitting the \$30.00 application fee.

Sec. 8d. Any person possessing a Michigan quality assurance certification at the level of I, II, or III, on the effective date of the amendatory act that added this section, shall be considered a qualified interpreter for purposes of this act until that certification status expires. He or she may renew the certificate annually until it expires and retesting is required.

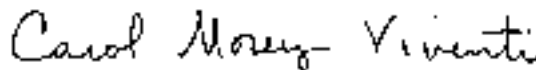
Sec. 8e. (1) A person who is a qualified interpreter, upon presentation of national certification credentials and without examination, shall pay a \$30.00 application fee, that shall also fulfill the initial certification requirement under subsection (2).

(2) The division shall collect a \$30.00 annual renewal fee for issuing state certification credentials for all qualified interpreters under this act.

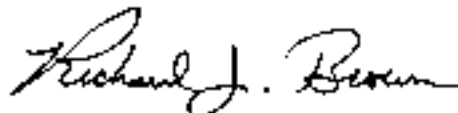
(3) The division shall collect a \$125.00 examination fee from each resident of this state applying to take an examination for certification under this act. The division shall collect a \$175.00 examination fee from each person who does not reside in this state who applies to take an examination for certification under this act.

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

This act is ordered to take immediate effect.



Secretary of the Senate



Clerk of the House of Representatives

Approved

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Governor