

House Bill 859

By: Representative Bordeaux of the 151st

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 5 of Chapter 9 of Title 24 of the Official Code of Georgia Annotated,
2 relating to the use of sign language and intermediary interpreters in administrative and
3 judicial proceedings, so as to authorize state agencies, law enforcement agencies, and courts
4 to obtain directly the services of qualified interpreters required by this article; to eliminate
5 the duties of the Department of Human Resources under this article; to delete certain
6 provisions relating to the compensation of qualified interpreters providing services under this
7 article; to provide for related matters; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Article 5 of Chapter 9 of Title 24 of the Official Code of Georgia Annotated, relating to the
11 use of sign language and intermediary interpreters in administrative and judicial proceedings,
12 is amended by striking in its entirety paragraph (2) of Code Section 24-9-101, relating to
13 definitions, and inserting in its place the following:

14 "(2) ~~'Department' means the Department of Human Resources.~~ Reserved."

15 **SECTION 2.**

16 Said article is further amended by striking subsection (b) of Code Section 24-9-102, relating
17 to the appointment of interpreters for hearing impaired persons who are interested in or
18 witnesses at agency proceedings, and inserting in its place the following:

19 "(b) The hearing impaired person shall notify the agency not less than ten days, excluding
20 weekends and holidays, prior to the date of the proceeding of the need for a qualified
21 interpreter. If the hearing impaired person receives notice of the proceeding less than ten
22 days, excluding weekends and holidays, prior to the proceeding, he shall notify the agency
23 as soon as practicable after receiving such notice. ~~Upon receiving a request for a qualified~~
24 ~~interpreter, the agency shall immediately forward such request to the department. Upon~~

1 ~~receiving a request from an agency, the department shall provide a qualified interpreter for~~
 2 ~~the proceeding specified in the request.”~~

3 **SECTION 3.**

4 Said article is further amended by striking in its entirety subsection (b) of Code Section 24-9-
 5 103, relating to the procedure for interrogation and taking of statements from hearing
 6 impaired persons when arrested, and inserting in its place the following:

7 “(b)(1) Except as provided in paragraph (2) of this subsection, the law enforcement
 8 agency shall immediately ~~request~~ take action to obtain the services of a qualified
 9 interpreter ~~from the department, and the department shall provide a qualified~~
 10 ~~interpreter~~. No interrogation, warning, informing of rights, taking of statements, or
 11 other investigatory procedures shall be undertaken until a qualified interpreter has
 12 been provided; and no answer, statement, admission, or other evidence acquired from
 13 the hearing impaired person shall be admissible in any criminal or quasi-criminal
 14 proceeding unless such was knowingly and voluntarily given through and in the
 15 presence of a qualified interpreter. No hearing impaired person who has been taken
 16 into custody and who is otherwise eligible for release shall be detained because of the
 17 unavailability of a qualified interpreter.

18 (2) If a qualified interpreter is not available one hour after the hearing impaired person
 19 has been taken into custody and a request ~~has been forwarded to the department for~~
 20 the services of a qualified interpreter has been made, the arresting officer may
 21 interrogate or take a statement from such person, provided that such interrogation and
 22 answers thereto shall be in writing and shall be preserved and turned over to the court
 23 in the event such person is tried for the alleged offense.”

24 **SECTION 4.**

25 Said article is further amended by striking in its entirety subsection (a) of Code Section
 26 24-9-104, relating to the provision of interpreters by courts to indigent hearing impaired
 27 defendants, and inserting in its place the following:

28 “(a) A court shall provide a qualified interpreter to any hearing impaired person whenever
 29 the hearing impaired person has been provided with a court appointed legal counsel. ~~The~~
 30 ~~court shall request a qualified interpreter from the department, and the department shall~~
 31 ~~provide a qualified interpreter.”~~

