

Assembly Bill No. 194–Assemblymen
Ohrenschall and Dondero Loop

CHAPTER.....

AN ACT relating to courts; clarifying that a person with a communications disability who participates in a civil judicial proceeding must not be required to pay for interpretive services; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Federal law requires a “public entity” to “furnish appropriate auxiliary aids and services where necessary to afford an individual with a disability an equal opportunity to participate in, and enjoy the benefits of, a service, program, or activity conducted by a public entity.” (28 C.F.R. § 35.160(b)(1)) Federal law additionally prohibits a public entity from placing a surcharge on an individual with a disability to cover the costs of measures such as the provision of auxiliary aids or program accessibility. (28 C.F.R. § 35.130(f)) For the purposes of such provisions, federal law defines the phrase “auxiliary aids and services” to include qualified interpreters and defines the phrase “public entity” to include any department, agency or other instrumentality of a state or local government. (28 C.F.R. § 35.104) This bill amends state law to make it consistent with federal law by removing from state law an ambiguity that could have been construed to require persons with disabilities to pay for their own interpretive services in civil judicial proceedings.

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 50.050 is hereby amended to read as follows:

50.050 1. As used in NRS 50.050 to 50.053, inclusive, unless the context requires otherwise:

(a) “Interpreter” means a:

- (1) Registered interpreter;
- (2) Registered legal interpreter; or
- (3) Person who is appointed as an interpreter pursuant to subsection 2 of NRS 50.0515.

(b) “Person with a communications disability” means a person who, because the person is deaf or has a physical speaking impairment, cannot readily understand or communicate in the English language or cannot understand the proceedings.

(c) “Registered interpreter” means a person registered with the Aging and Disability Services Division of the Department of Health and Human Services pursuant to NRS 656A.100 to engage in the practice of interpreting.



(d) “Registered legal interpreter” means a person registered with the Aging and Disability Services Division of the Department of Health and Human Services pursuant to NRS 656A.100 to engage in the practice of interpreting in a legal setting.

2. In all judicial proceedings in which a person with a communications disability appears as a witness, the court, magistrate or other person presiding over the proceedings shall appoint an interpreter to interpret the proceedings to that person and to interpret the testimony of that person to the court, magistrate or other person presiding.

3. The court, magistrate or other person presiding over the proceedings shall fix a reasonable compensation for the services and expenses of the interpreter appointed pursuant to this section. If the judicial proceeding is civil in nature, the compensation of the interpreter may be taxed as costs ~~and must not be charged as a public expense.~~, *except that the person with a communications disability for whose benefit the interpreter is appointed must not be taxed, charged a fee or otherwise required to pay any portion of the compensation of the interpreter.*

4. Claims against a county, municipality, this State or any agency thereof for the compensation of an interpreter in a criminal proceeding or other proceeding for which an interpreter must be provided at public expense must be paid in the same manner as other claims against the respective entities are paid. Payment may be made only upon the certificate of the judge, magistrate or other person presiding over the proceedings that the interpreter has performed the services required and incurred the expenses claimed.

Sec. 2. This act becomes effective upon passage and approval.

