

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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HOUSE DRH70364-LL-191 (3/20)

Short Title: Interpreters in the Courts/Funds.

(Public)

Sponsors: Representative Blue.

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO PROVIDE EQUAL ACCESS TO COURT SERVICES AND TO FULLY FUND  
3 INTERPRETER NEEDS IN THE COURTS.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 7A-314(f) is repealed.

6 SECTION 2. Article 28 of Chapter 7A of the General Statutes is amended by  
7 adding a new section to read:

8 "**§ 7A-314A. Foreign language interpreting and translating services.**

9 (a) Notwithstanding any other provision of law, if a party or witness in the General  
10 Court of Justice does not speak or understand the English language, the cost of interpreting or  
11 translating services for the party or witness is payable from funds appropriated to the Judicial  
12 Department. With regard to a party for which the Judicial Department is bearing the costs of  
13 representation, or a witness for such a party, the Administrative Office of the Courts and the  
14 Office of Indigent Defense Services may enter into a memorandum of understanding for the  
15 payment of interpreting and translating services. The appointment and payment of interpreters  
16 and translators under this section shall be made in accordance with G.S. 7A-343(9c).

17 (b) If a party or witness elects to use an interpreter or translator of his or her own choice  
18 in lieu of an interpreter or translator provided by the Administrative Office of the Courts under  
19 this section, the party or witness shall bear the cost of the interpreter or translator.

20 (c) Except in cases in which the Judicial Department is bearing the costs of  
21 representation, nothing in this section shall be construed to obligate the Administrative Office  
22 of the Courts to bear the cost of interpreting or translating services for non-court services and  
23 activities, such as discovery, trial, preparation, and attorney-client meetings.

24 (d) The court may order a party or witness to bear the cost of interpreting or translating  
25 services when the party or witness was the person for whom the services were required and the  
26 party or witness, without good cause, failed to appear."

27 SECTION 3. G.S. 7A-343(9c) reads as rewritten:

28 "**§ 7A-343. Duties of Director.**

29 The Director is the Administrative Officer of the Courts, and the Director's duties include  
30 all of the following:

31 ...

32 (9c) Prescribe policies and procedures for the appointment and payment of  
33 foreign language interpreters in those cases specified in G.S. 7A-314(f).  
34 G.S. 7A-314A. These policies and procedures shall be applied uniformly  
35 throughout the General Court of Justice. After consultation with the Joint



1 Legislative Commission on Governmental Operations, the Director may also  
2 convert contractual foreign language interpreter positions to permanent State  
3 positions when the Director determines that it is more cost-effective to do so.

4 ...."

5 **SECTION 4** G.S. 7A-305(d) reads as rewritten:

6 "(d) The following expenses, when incurred, are assessable or recoverable, as the case  
7 may be. The expenses set forth in this subsection are complete and exclusive and constitute a  
8 limit on the trial court's discretion to tax costs pursuant to G.S. 6-20:

- 9 (1) Witness fees, as provided by law.
- 10 (2) Jail fees, as provided by law.
- 11 (3) Counsel fees, as provided by law.
- 12 (4) Expense of service of process by certified mail and by publication.
- 13 (5) Costs on appeal to the superior court, or to the appellate division, as the case  
14 may be, of the original transcript of testimony, if any, insofar as essential to  
15 the appeal.
- 16 (6) Fees for personal service and civil process and other sheriff's fees, as  
17 provided by law. Fees for personal service by a private process server may  
18 be recoverable in an amount equal to the actual cost of such service or fifty  
19 dollars (\$50.00), whichever is less, unless the court finds that due to  
20 difficulty of service a greater amount is appropriate.
- 21 (7) Fees of mediators appointed by the court, mediators agreed upon by the  
22 parties, guardians ad litem, referees, receivers, commissioners, surveyors,  
23 arbitrators, appraisers, and other similar court appointees, as provided by  
24 law. The fee of such appointees shall include reasonable reimbursement for  
25 stenographic assistance, when necessary.
- 26 (8) Fees of ~~interpreters, when authorized and approved by the court.~~ interpreters  
27 not paid by the Administrative Office of the Courts under G.S. 7A-314A.
- 28 (9) Premiums for surety bonds for prosecution, as authorized by G.S. 1-109.
- 29 (10) Reasonable and necessary expenses for stenographic and videographic  
30 assistance directly related to the taking of depositions and for the cost of  
31 deposition transcripts.
- 32 (11) Reasonable and necessary fees of expert witnesses solely for actual time  
33 spent providing testimony at trial, deposition, or other proceedings.

34 Nothing in this subsection or in G.S. 6-20 shall be construed to limit the trial court's authority  
35 to award fees and expenses in connection with pretrial discovery matters as provided in Rule  
36 26(b) or Rule 37 of the Rules of Civil Procedure, and no award of costs made pursuant to this  
37 section or pursuant to G.S. 6-20 shall reverse or modify any such orders entered in connection  
38 with pretrial discovery."

39 **SECTION 5.** There is appropriated from the General Fund to the Administrative  
40 Office of the Courts the sum of one million four hundred twenty-two thousand six hundred  
41 forty-one dollars (\$1,422,641) for the 2009-2010 fiscal year and the sum of one million four  
42 hundred twenty-two thousand six hundred forty-one dollars (\$1,422,641) for the 2010-2011  
43 fiscal year to fund additional foreign language interpreter services.

44 **SECTION 6.** On and after the effective date of this act, no order for reimbursement  
45 may be entered against a party or witness for the services of a court-appointed interpreter or  
46 translator rendered prior to the effective date of this act, except as provided in G.S. 7A-314A(d)  
47 or G.S. 7A-305(d).

48 **SECTION 7.** Section 5 of this act becomes effective July 1, 2009. The remainder  
49 of this act becomes effective December 1, 2009.