

REVISIONS TO DEAF PERSONS' INTERPRETERS ACT

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House Bill 4208

Sponsor: Rep. Dudley Spade

Committee: Regulatory Reform

Complete to 2-26-07

A SUMMARY OF HOUSE BILL 4208 AS INTRODUCED 2-6-07

The Deaf Person's Interpreters Act requires courts and other governmental agencies and boards to hire interpreters for deaf persons who appear in proceedings before them. House Bill 4208 would amend the act to expand the requirement to appoint a qualified interpreter so that it would apply to legal settings, transactions with financial institutions, employment situations, interactions with local governments, and educational settings. It also would revise current definitions, define new terms, and create criminal penalties for violations of the act.

Deaf-Blind persons. The bill would extend coverage of the law to "deaf-blind" persons—those with a combination of hearing loss and vision loss—in addition to "deaf" persons.

Extension of the law. The bill would require attorneys, medical providers, financial institutions, employers and educational institutions to hire an interpreter for deaf or deaf-blind persons who interact with them.

- Attorneys. An attorney would have to appoint a qualified interpreter in "any situation in a legal setting in which a deaf or deaf-blind person is a participant."
- Medical providers. A medical provider would have to appoint a qualified interpreter in "any medical situation involving a medical provider and a deaf or deaf-blind person." The term "medical provider" is not defined in the bill.
- Financial institutions. "In any transaction with a financial institution in which a deaf or deaf-blind person is participating," a financial institution would have to appoint a qualified interpreter. A "financial institution" as defined in the bill includes banks, savings and loan associations, savings banks, and credit unions.
- Employers. The bill would require employers to appoint qualified interpreters in "any employment situation in which a deaf or deaf-blind person is involved." An employer as defined in the bill is "a person who has one or more employees" or a person who as a contractor or subcontractor furnishes material or performs work for the state or governmental agencies. Agents of covered employers are also subject to the law.

- Educational institutions. "In any educational setting within an educational institution in which a deaf or deaf-blind person is involved," the educational institution would have to appoint a qualified interpreter. "Educational institution" is defined as a "public or private institution or a separate school or department of a public or private institution, and includes an academy, college, elementary or secondary school, extension course, kindergarten, nursery, school system, school district, or university, and a business, nursing, professional, secretarial, technical, or vocational school, and includes an agent of an educational institution."
- Governmental Units. The bill would require governmental units to appoint qualified interpreters in "any transaction, proceeding, or other interaction with a governmental unit in which a deaf or deaf-blind person is involved." This section presumably extends coverage to more types of interactions between deaf and deaf-blind persons and governmental units than under current law.

Qualified Interpreters. The current law distinguishes between "certified interpreters" who have certifications through certain national organizations and "qualified interpreters" who, although not certified, have nevertheless been determined by the state to be appropriate interpreters. Under the bill, there is only one category, "qualified interpreter." A "qualified interpreter" is either (1) a person certified through the National Registry of Interpreters for the Deaf or another national organization recognized by Michigan's Division on Deaf and Hard of Hearing, or (2) a person with the "expressive-receptive skills and necessary vocabulary for the situation" certified through the state by the Division on Deaf and Hard of Hearing, with advice from the Michigan Deaf Association and the Michigan Registry of Interpreters for the Deaf (or their successor agencies). The bill also provides new definitions of "qualified oral interpreter" and "qualified sign language interpreter."

Intermediary and deaf interpreters. The law currently provides that "intermediary interpreters" are persons, including hearing impaired persons, who assist interpreters in making accurate interpretations. The bill would allow "intermediary interpreters" to also be referred to as "deaf interpreters," and would clarify that intermediary or deaf interpreters may themselves be deaf or deaf-blind persons.

Criminal penalties. The bill prescribes new criminal penalties for violations of the law by an interpreter or "appointing agency" – a court, government agency, political subdivision, attorney, medical provider, financial institution, educational institution or employer required to hire an interpreter. A violation of the law by an interpreter would be a misdemeanor subject to imprisonment for up to 93 days, a fine not less than \$1,000 or more than \$10,000, or both. A violation by an appointing agency would be a misdemeanor punishable by a fine of not less than \$1,000 or more than \$10,000.

MCL 393.501 et seq.

FISCAL IMPACT:

There is no fiscal impact on the Department of Labor and Economic Growth. The bill would have an indeterminate fiscal impact on local units of government. To the extent that the bill increased the number of misdemeanor convictions, it could increase local costs of incarceration or misdemeanor probation supervision, both of which vary with jurisdiction. To the extent that it increased collections of penal fine revenues, it could benefit local libraries, which are the constitutionally-designated recipients of such revenues.

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.