

1 TO THE HONORABLE SENATE:

2 The Committee on Appropriations to which was referred House Bill No. 86  
3 entitled “An act relating to Vermont’s adoption of the Audiology and Speech-  
4 Language Pathology Interstate Compact” respectfully reports that it has  
5 considered the same and recommends that the Senate propose to the House that  
6 the bill be amended by inserting a new Sec. 7 to read as follows:

7 Sec. 7. 1 V.S.A. chapter 5, subchapter 5 is amended to read:

8 Subchapter 5. Interpreters for Judicial, Administrative, and Legislative  
9 Findings

10 § 331. DEFINITIONS

11 As used in the subchapter:

12 (1) “Person who is ~~deaf or hard of hearing~~ Deaf, Hard of Hearing, or  
13 DeafBlind” means any person who has ~~such~~ difficulty hearing, even with  
14 amplification, to the extent that ~~he or she~~ the person cannot rely on hearing for  
15 communication.

16 (2) “Proceeding” means any judicial proceeding, contested case under  
17 3 V.S.A. chapter 25, or other hearing before an administrative agency not  
18 included under 3 V.S.A. chapter 25.

19 (3) “Qualified interpreter” means an interpreter for a person who is ~~deaf~~  
20 ~~or hard of hearing~~ Deaf, Hard of Hearing, or DeafBlind who meets standards  
21 of competency established by the national or Vermont Registry of Interpreters

1 for the Deaf as amended, by rule, by the Vermont Commission of the Deaf and  
2 ~~Hard of Hearing~~.

3 § 332. RIGHT TO INTERPRETER; ASSISTIVE LISTENING EQUIPMENT

4 (a) Any person who is ~~deaf or hard of hearing~~ Deaf, Hard of Hearing, or  
5 DeafBlind who is a party or witness in any proceeding shall be entitled to be  
6 provided with a qualified interpreter for the duration of the person's  
7 participation in the proceeding.

8 (b) Any person who is ~~deaf or hard of hearing~~ Deaf, Hard of Hearing, or  
9 DeafBlind shall be entitled to be provided with a qualified interpreter upon five  
10 working days' notice that the person has reasonable need to do any of the  
11 following:

12 \* \* \*

13 (c) If a person who is ~~deaf or hard of hearing~~ Deaf, Hard of Hearing, or  
14 DeafBlind is unable to use or understand sign language, the presiding officer or  
15 State board or agency or State legislative official shall, upon five working  
16 days' notice, make available appropriate assistive listening equipment for use  
17 during the proceeding or activity.

18 § 333. APPOINTMENT OF INTERPRETER

19 (a) The presiding officer in a proceeding shall appoint an interpreter after  
20 making a preliminary determination that the interpreter is able to:



1           (3) is able to interpret the proceedings to the person who is ~~deaf or hard~~  
2 ~~of hearing~~ Deaf, Hard of Hearing, or DeafBlind;

3           (4) ~~shall~~ maintain confidentiality;

4           (5) ~~shall~~ be impartial with respect to the outcome of the proceeding;

5           (6) ~~shall~~ does not exert any influence over the person who is ~~deaf or~~  
6 ~~hard of hearing~~ Deaf, Hard of Hearing, or DeafBlind; and

7           (7) ~~shall~~ does not accept assignments the interpreter does not feel  
8 competent to handle.

9           ~~(b) Rules established by the Vermont Commission of the Deaf and Hard of~~  
10 ~~Hearing pursuant to subdivision 331(3) of this title amending the standards of~~  
11 ~~competency established by the national or Vermont Registry of the Deaf shall~~  
12 ~~be limited to the factors set forth in subsection (a) of this section. [Repealed.]~~

13           ~~(c) The Vermont Commission of the Deaf and Hard of Hearing shall~~  
14 ~~prepare an explanation of the provisions of this subchapter which shall be~~  
15 ~~distributed to all State agencies and courts. [Repealed.]~~

16           ~~(d) The Department of Disabilities, Aging, and Independent Living shall~~  
17 ~~maintain a list of qualified interpreters in Vermont and, where such~~  
18 ~~information is available, in surrounding states. The list shall be distributed to~~  
19 State of Vermont shall maintain access to qualified interpreters in Vermont for  
20 all State agencies and courts through the statewide contract maintained by the  
21 State pursuant to subsection (a) of this section.

1 § 337. REVIEW

2 (a) A decision, order, or judgment of a court or administrative agency may  
3 be reversed on appeal if the court or agency finds that a person who is ~~deaf or~~  
4 ~~hard-of-hearing~~ Deaf, Hard of Hearing, or DeafBlind who was a party or a  
5 witness in the proceeding was deprived of an opportunity to communicate  
6 effectively, and that the deprivation was prejudicial.

7 \* \* \*

8 § 338. ADMISSIONS; CONFESSIONS

9 (a) An admission or confession by a person who is ~~deaf or hard-of-hearing~~  
10 Deaf, Hard of Hearing, or DeafBlind made to a law enforcement officer or any  
11 other person having a prosecutorial function may only be used against the  
12 person in a criminal proceeding if:

13 (1) ~~The~~ the admission or confession was made knowingly, voluntarily,  
14 and intelligently and is not subject to alternative interpretations resulting from  
15 the person's habits and patterns of communication-; and

16 (2) ~~The~~ the admission or confession, if made during a custodial  
17 interrogation, was made after reasonable steps were taken, including the  
18 appointment of a qualified interpreter, to ensure that the defendant understood  
19 ~~his or her~~ the defendant's constitutional rights.

1 (b) The provisions of subsection (a) of this section supplement the  
2 constitutional rights of the person who is ~~deaf or hard of hearing~~ Deaf, Hard of  
3 Hearing, or DeafBlind.

4 § 339. COMMUNICATIONS MADE TO INTERPRETERS; PROHIBITION  
5 ON DISCLOSURE

6 (a) An interpreter, whether or not the interpreter is a qualified interpreter,  
7 shall not disclose or testify to:

8 (1) a communication made by a person to an interpreter acting in ~~his or~~  
9 ~~her~~ the capacity as of an interpreter for a person who is ~~deaf or hard of hearing~~  
10 Deaf, Hard of Hearing, or DeafBlind or a person with limited English  
11 proficiency; or

12 (2) any information obtained by the interpreter while acting in ~~his or her~~  
13 the capacity as of an interpreter for a person who is ~~deaf or hard of hearing~~  
14 Deaf, Hard of Hearing, or DeafBlind or a person with limited English  
15 proficiency.

16 (b) There is no prohibition on disclosure under this section if the services  
17 of the interpreter were sought or obtained to enable or aid anyone to commit or  
18 plan to commit what the person who is ~~deaf or hard of hearing~~ Deaf, Hard of  
19 Hearing, or DeafBlind or the person with limited English proficiency knew or  
20 reasonably should have known to be a crime or fraud.

21 \* \* \*

1 (d) As used in this section, “person with limited English proficiency”  
2 means a person who does not speak English as ~~his or her~~ the person’s primary  
3 language and who has a limited ability to read, write, speak, or understand  
4 English.

5 and by renumbering the remaining section to be numerically correct.

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12 (Committee vote: \_\_\_\_\_)

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Senator \_\_\_\_\_

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FOR THE COMMITTEE