



Judicial Council of California

ADMINISTRATIVE OFFICE OF THE COURTS

OFFICE OF GOVERNMENTAL AFFAIRS

770 L Street, Suite 700 • Sacramento, California 95814-3393

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TANI CANTIL-SAKAUYE
Chief Justice of California
Chair of the Judicial Council

WILLIAM C. VICKREY
Administrative Director of the Courts

RONALD G. OVERHOLT
Chief Deputy Director

CURTIS L. CHILD
Director, Office of Governmental Affairs

April 21, 2011

Hon. Mike Feuer, Chair
Assembly Judiciary Committee
State Capitol Room 2013
Sacramento, CA 95814

Subject: AB 618 (Furutani), as amended March 31, 2011 - Oppose
Hearing: Assembly Judiciary Committee – May 3, 2011

Dear Assembly Member Feuer:

I regret to inform you that the Judicial Council is opposed to AB 618 (Furutani), which would enact the California Language Bill of Rights, because it would interfere with the court's ability to efficiently manage and assign interpreters. California courts provide interpreter services in over 100 languages pursuant to the mandate in Article 1, Section 14 of the California Constitution, which provides that "a person unable to understand English who charged with a crime has a right to an interpreter throughout the proceedings." To implement this requirement, there is an annual appropriation of just under \$93 million. The Judicial Council is charged by statute with the responsibility to designate those language with sufficient need for which a certification exam shall be established. The council is also charged with the responsibility to establish standards for interpreter proficiency, continuing education, certification renewal, and discipline.

AB 618 seeks to add three new provisions to the statutes governing the use of interpreters in criminal and juvenile delinquency proceedings: (1) to require that each defendant receive "exclusive, ongoing, and simultaneous translation services throughout any proceeding at which the person is physically present;" (2) to require a hearing on the competency of an interpreter or the possibility that the use of a non-certified interpreter causes prejudice to the defendant, when the defendant requests such a hearing, and (3) to prohibit any non-interpreter staff person of the court, sheriff, probation, or any other local government entity from providing interpreter services

unless he or she is a certified interpreter. Each of these provisions creates concerns for the council as they are currently drafted.

The requirement that exclusive and simultaneous interpretation service be provided causes concern on two fronts. First, while it is clear from case law that it is not appropriate for a defendant to share an interpreter with a witness unless that defendant expressly authorizes such sharing, it is not clear that it is never appropriate for an interpreter to serve more than one defendant. The council recognizes that a defendant needs to be able to have the interpreter sufficiently available that he or she can communicate with his or her counsel and the court, but it is not clear that meeting this requirement requires unique interpreters for each defendant in every case. Currently courts do, on a case-by-case basis, make a determination as to the number of interpreters that are required in a given setting. At an arraignment calendar that court may view the need for individual interpreters differently than during a trial. In addition, the use of the term simultaneous casts appears to require that interpreters employ only one style of interpretation, in which each word is translated as it is spoken. Another style, called sequential interpretation, allows the interpreter to provide the oral translation after the speaker has concluded a sentence. This style is more commonly provided in our courts, and any statute which barred its use would have catastrophic consequences for the court interpreter program.

The requirement that the court hold a hearing when a question of competency is raised, or in any case in which a non-certified interpreter is used appears to the council to create a significant likelihood of delays in criminal proceedings at which interpreters are used. This provision would create an incentive for defendants to challenge the competence of their interpreters on a routine basis in order to delay the proceedings. Moreover, because of a shortage in the number of certified interpreters in California, courts must use non-certified interpreters with some regularity. AB 618, as currently drafted, seems to imply that the use of these interpreters is presumptively suspect. The process for becoming a certified or registered interpreter is stringent, and interpreters are required to participate in mandatory continuing education. There may be cases in which an individual defendant can demonstrate that his or her rights were violated by the use of an incompetent interpreter, but existing mechanisms for challenging court procedures are adequate, and there is no need to mandate the court to set an evidentiary hearing simply because the defendant raises the issue. Moreover, courts are already required to periodically review the competency of their interpreters pursuant to California Rule of Court 2.891.

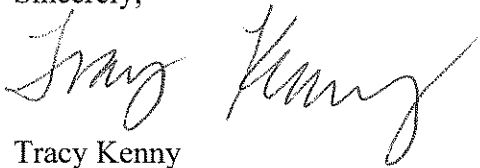
The Judicial Council is opposed to the limitations on the use of court and other public agency staff because it would impair the ability of the courts to provide effective interpretation services for defendants. For example, some courts use bilingual staff to determine which language the defendant speaks in order to identify the interpreters who can serve individual defendants. In addition, this provision is overbroad, and would restrict the ability of the court to appoint a non-certified interpreter pursuant to Government Code section 68561 which allows such

appointments for good cause when the court determines that no certified interpreters are available. There appears to be no compelling reason to prefer the use of non-employee members of the public to perform this function over court or other agency staff members.

The Judicial Council is committed to providing meaningful access to justice for all Californians, and recognizes the vital service that court interpreters provide in accomplishing this objective. AB 618 would interfere with the court's ability to carry out its interpreter mandate and overtax an already strained court system.

For these reasons the Judicial Council is opposed to AB 618.

Sincerely,

A handwritten signature in black ink, appearing to read "Tracy Kenny", written in a cursive style.

Tracy Kenny
Attorney

cc: Members, Assembly Judiciary Committee

Hon. Warren T. Furutani, Member of the Assembly
California Federation of Interpreters

Mr. Kevin Baker, Deputy Chief Counsel, Assembly Judiciary Committee

Mr. Aaron Maguire, Deputy Legislative Affairs Secretary, Office of the Governor

Ms. Kirsten Kolpitke, Deputy Director of Legislation, Governor's Office of Planning and Research

Mr. Mark Redmond, Consultant, Assembly Republican Office of Policy



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CURTIS L. CHILD
Director, Office of Governmental Affairs

May 13, 2011

Hon. Felipe Fuentes, Chair
Assembly Appropriations Committee
State Capitol, Room 2114
Sacramento, California 95814

Subject: AB 618 (Furutani), as amended May 10, 2011 – Fiscal Impact Statement
Hearing: Assembly Appropriations Committee – May 18, 2011

Dear Assembly Member Fuentes:

AB 618 enacts the California Language Access Bill of Rights which clarifies the circumstances in which a person charged with a crime and is unable to understand English is entitled to an exclusive interpreter. The bill includes a right, under prescribed conditions, to a determination of the competence of an interpreter at any time during a proceeding. This measure also prohibits any non-interpreter staff person of the court, sheriff, probation, or any other local government entity from providing interpreter services.

The Judicial Council was opposed to AB 618 as it was amended on March 31 because it would have interfered with the court's ability to efficiently manage and assign interpreters. California courts provide interpreter services in over 100 languages pursuant to the mandate in Article 1, Section 14 of the California Constitution, which provides that "a person unable to understand English who charged with a crime has a right to an interpreter throughout the proceedings." To implement this requirement, there is an annual appropriation of approximately \$93 million. The Judicial Council is charged by statute with the responsibility to designate those languages with sufficient need for which a certification examination shall be established. The council is also charged with the responsibility to establish standards for interpreter proficiency, continuing education, certification renewal, and discipline.

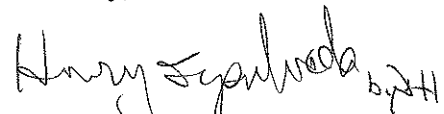
The May 10 amendments taken in the Assembly Judiciary Committee address some of our key concerns, but one provision in the bill that is currently unresolved could have significant fiscal implications for the courts. The current version of AB 618 states that it is the intent of the Legislature to clarify the circumstances in which a criminal defendant is entitled to an exclusive interpreter. This language appears in AB 618 because we have been unable to reach consensus with the sponsor of AB 618 on what the law currently requires. The council recognizes that a defendant needs to be able to have the interpreter sufficiently available so that he or she can communicate with his or her counsel and the court, but it is not clear that meeting this requirement requires exclusive interpreters for each defendant in every proceeding. We do not think that exclusive interpreters are required to explain the rights of defendants and procedures followed by a traffic court before the court begins hearing individual infraction cases. One interpreter can provide that explanation to all in attendance, and then interpret for them individually as their cases are called. Nor are interpreters required for every arraignment or preliminary hearing involving multiple defendants. If AB 618 were to be amended to require exclusive interpreters in all of these settings, the cost for the courts to provide those additional interpreters would be significant, and in cases involving less common languages, infeasible. We recognize that the intent language currently in AB 618 does not require this result, but believe the committee should be aware of the cost implications if it were to be amended in this manner as the sponsor has proposed.

Fiscal Impact

To the extent that a court proceeding may be prolonged when a hearing is suspended due to a request for an assessment of the competence of an interpreter, courts will incur additional administrative costs for court personnel, jurors (if impaneled), and substitute interpreters (as needed and available). In the current version of AB 618, the magnitude of these increased court costs is unknown, but probably minor. These increased costs would likely be offset in many cases by cost savings realized in resolving the interpreter-related issues early in the proceedings, thus avoiding the added costs of appellate proceedings and/or a new trial.

Please contact me at 916-323-3121 or henry.sepulveda@jud.ca.gov if you would like further information or have any questions about the fiscal impact of this legislation on the judicial branch.

Sincerely,



Henry Sepulveda
Senior Governmental Affairs Analyst



Tracy Kenny
Attorney

HS/TK/yt

cc: Members, Assembly Appropriations Committee
Hon. Warren Furutani, Member of the Assembly
Ms. Leilani Yee, Office of Assembly Member Furutani
Mr. Chuck Nicol, Principal Consultant, Assembly Appropriations Committee
Mr. Allan Cooper, Fiscal Consultant, Assembly Republican Fiscal Office
Mr. Michael Miyao, Budget Analyst, Department of Finance



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Director, Office of Governmental Affairs

June 9, 2011

Hon. Noreen Evans, Chair
Senate Judiciary Committee
State Capitol, Room 4034
Sacramento, California 95814

Subject: AB 618 (Furutani), as amended May 27, 2011 - Oppose

Dear Senator Evans:

I regret to inform you that the Judicial Council is opposed to AB 618 (Furutani), which would enact the California Language Bill of Rights, because it would interfere with the court's ability to efficiently manage and assign interpreters. California courts provide interpreter services in over 100 languages pursuant to the mandate in Article 1, Section 14 of the California Constitution, which provides that "a person unable to understand English who charged with a crime has a right to an interpreter throughout the proceedings." To implement this requirement, there is an annual appropriation of just under \$93 million. The Judicial Council is charged by statute with the responsibility to designate those languages with sufficient need for which a certification exam shall be established. The council is also charged with the responsibility to establish standards for interpreter proficiency, continuing education, certification renewal, and discipline.

AB 618 seeks to add three new provisions to the statutes governing the use of interpreters in criminal and juvenile delinquency proceedings: (1) to require that each defendant receive exclusive and ongoing interpreter services as defined; (2) to require a competency determination when the court finds that there is good cause to question the justice or efficiency of the continuing use of an interpreter, and (3) to prohibit any non-interpreter staff person of the court, or specified local government agencies from providing interpreter services. The primary concern of the Judicial Council is with the requirement for exclusive interpretation.

The requirement that exclusive interpretation service be provided causes concern because of the impact it would have on proceedings involving multiple defendants who require interpreter services. While it is clear from case law that it is not appropriate for a defendant to share an interpreter with a witness unless that defendant expressly authorizes such sharing, the cases involving sharing among co-defendants have taken a more nuanced approach that does not lend itself to codification. The council recognizes that a defendant needs to be able to have an interpreter sufficiently available to allow communication with counsel and the court, but it is not clear that meeting this requirement requires unique interpreters for each defendant in every case. Currently courts do, on a case-by-case basis, make a determination as to the number of interpreters that are required in a given setting. Trying to set a bright line rule to define those proceedings or circumstances in which it would be prohibited for defendants to share an interpreter will only lead to significant delays in these proceedings, and a significant increase in the cost of providing these services.

The author and sponsor of AB 618 cite two cases from the California Supreme Court, as well as a few Court of Appeal cases in support of their contention that AB 618 is simply codifying the law as the courts have articulated it. The council disagrees with this assertion. What those cases demonstrate is that a determination of when the sharing of interpreters by co-defendants may constitute a violation of due process is a very fact and case specific one. The one Supreme Court case on sharing of an interpreter by co-defendants held that any error that may have resulted from sharing of an interpreter was harmless beyond a reasonable doubt (see *People v. Rodriguez*, 42 Cal.3d 1005, 1986). In assessing the possibility of harm the court looked to whether either defendant's ability to communicate or understand the proceeding was impeded. Fundamentally, the council views these issues as the critical ones in determining the number of interpreters that are required. As the result in *Rodriguez* demonstrates, co-defendants can be without an exclusive interpreter, and suffer no damage to their ability to comprehend and communicate. Some emphasis has been placed on language in *Rodriguez* in which the court stated its belief that "the best and preferred method of avoiding further confusion is to require that each defendant have assigned to him an interpreter who remains at his side throughout the proceedings, unless such assistance has been waived." The sponsor asserts that this language sets forth a bright line rule requiring exclusive interpreters for each defendant. We read this language as dicta that sets forth an aspirational goal. Our courts use the interpreters that they have available to ensure that defendants due process rights are protected, but they do not have enough interpreters to always meet the "best and preferred" standard described by the *Rodriguez* court. Placing that standard in statute is therefore unworkable based on current interpreter resources.

The council would also note that there have been very few cases at the appellate level alleging that a defendant's right to an interpreter have been compromised, despite the fact that courts routinely require co-defendants to share an interpreter. This suggests that such sharing is not in fact causing significant injustice, but rather is a pragmatic and just approach to managing scarce

and costly interpreter resources. By contrast, significant upheaval will result if courts are required to provide exclusive interpreters. If the court cannot locate a sufficient number of interpreters in a given language for a specific case, how will the court proceed? Delays will ensue when they cannot be located. In those situations in which additional interpreters can be secured to comply with the mandate in AB 618 when the court would not otherwise find them necessary, it will simply increase the cost of the interpreter program. Given that we currently spend close to \$100 million on this program, it is not clear that diverting resources from other critical court needs to provide multiple interpreters to co-defendants would be fiscally responsible or enhance due process.

The Judicial Council greatly appreciates the amendments to the other provisions of AB 618, and notes that our prior concerns with those provisions have been addressed in the May 27th amended version.

The Judicial Council is committed to providing meaningful access to justice for all Californians, and recognizes the vital service that court interpreters provide in accomplishing this objective. AB 618 would interfere with the court's ability to carry out its interpreter mandate and overtax an already strained court system.

For these reasons the Judicial Council is opposed to AB 618.

Sincerely,

A handwritten signature in black ink, appearing to read "Tracy Kenny", written in a cursive style.

Tracy Kenny
Attorney

cc: Members, Senate Judiciary Committee
Hon. Warren T. Furutani, Member of the Assembly
California Federation of Interpreters
Ms. Ronak Daylami, Counsel, Senate Judiciary Committee
Mr. Aaron Maguire, Deputy Legislative Affairs Secretary, Office of the Governor
Ms. Kirsten Kolpitzke, Deputy Director of Legislation, Governor's Office of Planning and Research
Mr. Mike Petersen, Consultant, Senate Republican Office of Policy



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CURTIS L. CHILD
Director, Office of Governmental Affairs

June 21, 2011

Hon. Loni Hancock, Chair
Senate Public Safety Committee
State Capitol, Room 2082
Sacramento, California 95814

Subject: AB 618 (Furutani), as amended May 27, 2011 – Oppose
Hearing: Senate Public Safety Committee – June 28, 2011

Dear Senator Hancock:

I regret to inform you that the Judicial Council is opposed to AB 618 (Furutani), which would enact the California Language Bill of Rights, because it would interfere with the court's ability to efficiently manage and assign interpreters. California courts provide interpreter services in over 100 languages pursuant to the mandate in Article 1, Section 14 of the California Constitution, which provides that "a person unable to understand English who charged with a crime has a right to an interpreter throughout the proceedings." To implement this requirement, there is an annual appropriation of just under \$93 million. The Judicial Council is charged by statute with the responsibility to designate those languages with sufficient need for which a certification exam shall be established. The council is also charged with the responsibility to establish standards for interpreter proficiency, continuing education, certification renewal, and discipline.

AB 618 seeks to add three new provisions to the statutes governing the use of interpreters in criminal and juvenile delinquency proceedings: (1) to require that each defendant receive exclusive and ongoing interpreter services as defined; (2) to require a competency determination when the court finds that there is good cause to question the justice or efficiency of the continuing use of an interpreter, and (3) to prohibit any non-interpreter staff person of the court, or specified local government agencies from providing interpreter services. The primary concern of the Judicial Council is with the requirement for exclusive interpretation.

The requirement that exclusive interpretation service be provided causes concern because of the impact it would have on proceedings involving multiple defendants who require interpreter services. While it is clear from case law that it is not appropriate for a defendant to share an interpreter with a witness unless that defendant expressly authorizes such sharing, the cases involving sharing among co-defendants have taken a more nuanced approach that does not lend itself to codification. The council recognizes that a defendant needs to be able to have an interpreter sufficiently available to allow communication with counsel and the court, but it is not clear that meeting this requirement requires unique interpreters for each defendant in every case. Currently courts do, on a case-by-case basis, make a determination as to the number of interpreters that are required in a given setting. Trying to set a bright line rule to define those proceedings or circumstances in which it would be prohibited for defendants to share an interpreter will only lead to significant delays in these proceedings, and a significant increase in the cost of providing these services.

The author and sponsor of AB 618 cite two cases from the California Supreme Court, as well as a few Court of Appeal cases in support of their contention that AB 618 is simply codifying the law as the courts have articulated it. The council disagrees with this assertion. What those cases demonstrate is that a determination of when the sharing of interpreters by co-defendants may constitute a violation of due process is a very fact and case specific one. The one Supreme Court case on sharing of an interpreter by co-defendants held that any error that may have resulted from sharing of an interpreter was harmless beyond a reasonable doubt (see *People v. Rodriguez*, 42 Cal.3d 1005, 1986). In assessing the possibility of harm the court looked to whether either defendant's ability to communicate or understand the proceeding was impeded. Fundamentally, the council views these issues as the critical ones in determining the number of interpreters that are required. As the result in *Rodriguez* demonstrates, co-defendants can be without an exclusive interpreter, and suffer no damage to their ability to comprehend and communicate. Some emphasis has been placed on language in *Rodriguez* in which the court stated its belief that "the best and preferred method of avoiding further confusion is to require that each defendant have assigned to him an interpreter who remains at his side throughout the proceedings, unless such assistance has been waived." The sponsor asserts that this language sets forth a bright line rule requiring exclusive interpreters for each defendant. We read this language as dicta that sets forth an aspirational goal. Our courts use the interpreters that they have available to ensure that defendants due process rights are protected, but they do not have enough interpreters to always meet the "best and preferred" standard described by the *Rodriguez* court. Placing that standard in statute is therefore unworkable based on current interpreter resources.

The council would also note that there have been very few cases at the appellate level alleging that a defendant's right to an interpreter have been compromised, despite the fact that courts routinely require co-defendants to share an interpreter. This suggests that such sharing is not in

Hon. Loni Hancock

June 21, 2011

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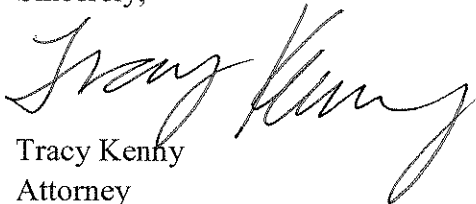
fact causing significant injustice, but rather is a pragmatic and just approach to managing scarce and costly interpreter resources. By contrast, significant upheaval will result if courts are required to provide exclusive interpreters. If the court cannot locate a sufficient number of interpreters in a given language for a specific case, how will the court proceed? Delays will ensue when they cannot be located. In those situations in which additional interpreters can be secured to comply with the mandate in AB 618 when the court would not otherwise find them necessary, it will simply increase the cost of the interpreter program. Given that we currently spend close to \$100 million on this program, it is not clear that diverting resources from other critical court needs to provide multiple interpreters to co-defendants would be fiscally responsible or enhance due process.

The Judicial Council greatly appreciates the amendments to the other provisions of AB 618, and notes that our prior concerns with those provisions have been addressed in the May 27th amended version.

The Judicial Council is committed to providing meaningful access to justice for all Californians, and recognizes the vital service that court interpreters provide in accomplishing this objective. AB 618 would interfere with the court's ability to carry out its interpreter mandate and overtax an already strained court system.

For these reasons the Judicial Council is opposed to AB 618.

Sincerely,



Tracy Kenny
Attorney

cc: Members, Senate Public Safety Committee

Hon. Warren T. Furutani, Member of the Assembly

California Federation of Interpreters

Mr. Steven Meinrath, Counsel, Senate Public Safety Committee

Mr. Aaron Maguire, Deputy Legislative Affairs Secretary, Office of the Governor

Ms. Kirsten Kolpitzke, Deputy Director of Legislation, Governor's Office of Planning and Research

Mr. Eric Csizmar, Consultant, Senate Republican Office of Policy



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CURTIS L. CHILD
Director, Office of Governmental Affairs

August 3, 2011

Hon. Christine Kehoe, Chair
Senate Appropriations Committee
State Capitol, Room 5050
Sacramento, California 95814

Subject: AB 618 (Furutani), as amended May 27, 2011 – Fiscal Impact Statement
Hearing: Senate Appropriations Committee – August 15, 2011

Dear Senator Kehoe:

AB 618 creates the California Language Access Bill of Rights which establishes that a person charged with a crime and unable to understand the English language is entitled to a competent and exclusive interpreter throughout any criminal proceeding (including a right not to share an interpreter with a witness, or with a co-defendant). This bill also includes a right, under prescribed conditions, to a determination by the court of the competence of an interpreter at any time during a proceeding. This measure also prohibits any non-interpreter staff person of the court, sheriff, probation, or any other local government entity from providing interpreter services.

California courts provide interpreter services in over 100 languages pursuant to the mandate in Article 1, Section 14 of the California Constitution, which provides that “a person unable to understand English who is charged with a crime has a right to an interpreter throughout the proceedings.” To implement this requirement, there is an annual appropriation of approximately \$93 million. The Judicial Council is charged by statute with the responsibility to designate those languages with sufficient need for which a certification examination shall be established. The council is also charged with the responsibility to establish standards for interpreter proficiency, continuing education, certification renewal, and discipline.

The council recognizes that a defendant needs to be able to have an interpreter sufficiently available so that he or she can communicate with his or her counsel and the court, but it is unclear that meeting

this requirement requires exclusive interpreters for each defendant in every criminal proceeding. The council would note that there have been very few cases at the appellate level alleging that a defendant's right to an interpreter has been compromised, despite the fact that courts routinely require co-defendants to share an interpreter. This state of the law suggests that such sharing is not in fact causing significant injustice, but rather is a pragmatic and just approach to managing scarce and costly interpreter resources.

Moreover, in cases involving less common languages, the costs would be prohibitively high and the timely acquisition of qualified interpreters, very likely would be infeasible. In addition, some courts reported to the council that the timely processing of criminal cases in conformance with existing statutory timelines could be jeopardized if multiple and exclusive interpreters were required, potentially leading to the involuntary dismissal of criminal charges.

Fiscal Impact

Significant upheaval will result if courts are required to provide exclusive interpreters to multiple defendants. Diverting resources from other critical trial court priorities to provide multiple interpreters to co-defendants would not be fiscally responsible nor significantly enhance due process.

Exclusive Interpreters for Co-defendants and/or Witnesses. There is no statewide data currently available that collects information on the volume of criminal cases involving multiple co-defendants that need assistance of a court-appointed interpreter. If the court case were to involve co-defendants that speak a less common language, it is a virtual certainty that there would not be sufficient qualified interpreters immediately available to the courts to conduct criminal proceedings in compliance with the requirements of AB 618. To obtain the needed team of interpreters under such circumstances, the court would be compelled to seek interpreters from outside the immediate community, potentially from foreign countries, at an exceedingly high cost to the court.

In 2008-09, the most recently available compilation, approximately 8.4 million criminal cases were filed in the trial courts.

One court that we contacted estimated 25 criminal trials per year with multiple defendants needing interpreters. Assuming those trials involved only two defendants requiring two exclusive interpreters, the increase in annual costs to comply with AB 618 for that one court alone could be \$2.5 million (25 x \$100,000 annual salary plus benefits, per court interpreter)

According to another court we contacted, there were 16 criminal cases in one month alone (March 2011) that requested more than one interpreter.

Another court estimated that 25 percent of all its filed criminal cases in one year involve multiple defendants.

One of the largest of the state's trial courts reported that, given the frequency of cases involving two or more defendants in its courtrooms, the court would be unable to comply with this bill's requirements for exclusive interpreters unless it added 50 more court interpreters. To add these positions, the cost to that court is estimated at \$5 million, annually.

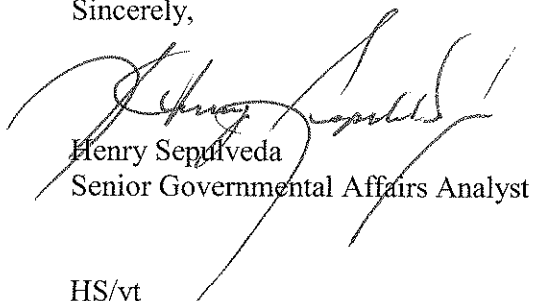
Interpreters in Traffic Court Proceedings. It is common practice in traffic courts to provide basic instructions to defendants as a collective group prior to the commencement of proceedings. For those defendants needing the assistance of an interpreter, typically a single interpreter is employed to assist all these defendants either by assistive listening devices or by non-electronic oral presentation by the interpreter. To the extent that AB 618 requires that each defendant in a traffic court proceeding have an exclusive interpreter during these general briefings, the cost to secure the additional interpreters on an ongoing basis (if feasible) would be significant, probably in the hundreds of thousands of dollars for each court.

Increased Cost Due to Delays to Assess Competence of Interpreters. To the extent that a court proceeding may be prolonged when a hearing is suspended due to a request for an assessment of the competence of an interpreter, courts will incur additional administrative costs for court personnel, jurors (if impaneled), and substitute interpreters (as needed and available). The magnitude of these increased court costs is unknown, but probably minor. These increased costs would likely be offset in many cases by cost savings realized in resolving the interpreter-related issues early in the proceedings, thus avoiding the added costs of appellate proceedings and/or a new trial.

Recent Budget Cuts to the Trial Courts Aggravate Courts' Ability to Allocate Resources for Court Interpreters. The Budget Act of 2011 reduces ongoing funding for the judicial branch by \$350 million (with additional one-time reductions for the current year). Some trial courts are being compelled to impose severe reductions to existing court staff, as well as shuttering courtrooms to absorb the reduced funding. Under these conditions, compliance with the requirements of AB 618 can be achieved only by diverting existing scarce resources from other court obligations, resulting in prolonged delays or inability to complete the courts' other constitutional and statutory responsibilities and duties.

Please contact me at 916-323-3121 or henry.sepulveda@jud.ca.gov if you would like further information or have any questions about the fiscal impact of this legislation on the judicial branch.

Sincerely,



Henry Sepulveda
Senior Governmental Affairs Analyst

HS/yt

cc: Members, Senate Appropriations Committee
Hon. Warren Furutani, Member of the Assembly
Ms. Leilani Yee, Office of Assembly Member Furutani
Ms. Jolie Onodera, Consultant, Senate Appropriations Committee
Mr. Matt Osterli, Fiscal Consultant, Senate Republican Fiscal Office
Mr. Michael Miyao, Budget Analyst, Department of Finance