



Judicial Council of California

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INVITATION TO COMMENT

LEG25 - 03

Title

Judicial Council–Sponsored Legislation:
Appointment of Non-Court Certified
American Sign Language Interpreters With
Generalist Credentials

Action Requested

Review and submit comments by May 23,
2025

Proposed Effective Date

January 1, 2027

Proposed Rules, Forms, Standards, or Statutes

Evid. Code, § 754

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Proposed by

Court Interpreters Advisory Panel
Hon. Brian L. McCabe, Chair
Hon. Maurice Sanchez, Vice-Chair

Executive Summary and Origin

The Court Interpreters Advisory Panel recommends that the Judicial Council sponsor legislation amending Evidence Code section 754 to allow courts, for good cause, to appoint American Sign Language (ASL) interpreters who possess a generalist ASL credential and satisfy training, education, and experience requirements approved by the Judicial Council, under a provisional qualification process similar to that for spoken language court interpreters. These amendments seek to address the limited availability of certified ASL court interpreters while ensuring continued language access for deaf and hard-of-hearing individuals. The proposal also includes revisions to statutory language to modernize terminology and clarify the Judicial Council’s role in maintaining a roster of qualified interpreters.

Background

Evidence Code section 754(h)(1) states: “Before July 1, 1992, the Judicial Council shall conduct a study to establish the guidelines pursuant to which it shall determine which testing organizations, agencies, or educational institutions will be approved to administer tests for certification of court interpreters for individuals who are deaf or hard of hearing.” The council first adopted these guidelines on February 21, 1992, and approved two certification entities in

This proposal has not been approved by the Judicial Council and is not intended to represent the views of the council, its Rules Committee, or its Legislation Committee. It is circulated for comment purposes only.

1998: the California Coalition of Agencies Serving the Deaf (CCASD) and the Registry of Interpreters for the Deaf (RID). CCASD discontinued its testing program in 2006, and RID ceased its Specialist Certificate: Legal (SC:L) program on January 1, 2016, when its board imposed a moratorium on the credential.

Although the Judicial Council continues to recognize existing SC:L holders for inclusion on the Master List of Certified and Registered Court Interpreters, no new SC:L credentials have been awarded since 2016. By 2023, only 39 certified American Sign Language (ASL) court interpreters remained on the Master List, an insufficient number to meet the growing demand for ASL interpretation services in California courts.

To address this issue, the *2020 Language Need and Interpreter Use Study* (Link A) recommended that the Judicial Council explore and develop a new credentialing process for ASL court interpreters. In response, the Court Interpreters Advisory Panel (CIAP) initiated research into alternative qualification models, including recognition of out-of-state certification programs and tiered pathways for ASL generalist credential holders.

In November 2023, the Judicial Council approved the Texas Board for Evaluation of Interpreters (BEI) as a certifying entity for California ASL court interpreters, for a period of four years, beginning January 1, 2024 (Link B). At that time, the council also directed CIAP to continue exploring the feasibility of qualifying ASL generalist interpreters to interpret in court settings.

On February 21, 2025, the council approved revised *Guidelines for Approval of Certification Programs for Interpreters for Deaf and Hard-of-Hearing Persons* and an accompanying application form (Link C). The revisions will modernize the application process for program certification, support the recognition of additional ASL court interpreter testing entities as they become available, and maintain rigorous certification standards while expanding the pool of qualified interpreters.

In 2024, the National Center for State Courts (NCSC) conducted research on the feasibility of certifying ASL generalist interpreters for court work. Based on NCSC's findings, this proposal recommends that the Judicial Council sponsor legislation amending Evidence Code section 754 to allow for good cause the appointment of non-court certified ASL interpreters with a generalist ASL credential, provided they satisfy training, education, and experience requirements approved by the Judicial Council.

As of February 2025, the number of certified ASL court interpreters on the Master List has increased to 43, but this remains insufficient to meet the ongoing demand for ASL as the fourth most interpreted language in the California courts.

The Proposal

On February 27, 2025, CIAP discussed the proposed amendments to Evidence Code section 754 and approved the following modifications that are shown in Attachment A to circulate for public comment:

1. Modify section 754(f) to allow courts for good cause to appoint non-court certified ASL interpreters who possess a generalist ASL credential and satisfy training, education, and experience requirements approved by the Judicial Council.
2. Clarify the Judicial Council's responsibility under section 754(o) to maintain a current roster of qualified interpreters certified pursuant to section 754(f), ensuring transparency, accountability, and oversight. By formalizing this requirement, the amendment strengthens the statewide coordination of ASL interpreter services, helping courts efficiently identify and appoint qualified interpreters.
3. Revise statutory language to be gender-neutral, ensuring that laws are inclusive and reflective of all individuals. This update aligns with broader efforts in California to modernize statutory language.

These changes do not eliminate the need for certified ASL court interpreters. Instead, they provide a structured and regulated pathway for qualified ASL generalist interpreters to assist in non-complex matters, such as self-help centers, court-mandated programs, and emergency proceedings, while ensuring that certified ASL court interpreters remain available for complex courtroom proceedings.

The proposed amendments authorize courts to employ a provisional qualification process to be developed by the Judicial Council. Such a process would be modeled after the existing framework for spoken language interpreters under Government Code section 68561(c) (Link D), which has provided courts with greater flexibility while maintaining interpreter quality. The proposed amendments would codify this authority, ensuring greater consistency and predictability in how courts address ASL interpreter shortages.

Alternatives Considered

Several alternatives were considered to address the shortage of certified ASL court interpreters, but each presented significant challenges. One option is to wait for RID to reinstate its SC:L credential, but there is no clear timeline for its return. Even if it is reinstated, rebuilding the interpreter pipeline may take years.

While approving additional ASL court-interpreter certifying entities could help address the interpreter shortage, the Texas BEI remains the only ASL court interpreter certification currently available in the U.S. No other ASL court interpreter certification programs currently exist outside of Texas. Additionally, obtaining BEI certification requires out-of-state travel, testing fees, and other costs, making it less accessible for many prospective interpreters in California.

Establishing a California-specific ASL court interpreter certification was also considered, but this approach is not a viable option as it would require extraordinary time, funding, staffing, and infrastructure to develop, administer, and maintain.

The proposed amendment to Evidence Code section 754 provides the most immediate and cost-effective solution by allowing courts for good cause to appoint non-court certified ASL interpreters with a generalist credential who satisfy requirements approved by the Judicial Council. This approach complements rather than replaces Texas BEI reciprocity, ensuring courts have multiple pathways to expand interpreter access without unnecessary delays or excessive costs. The amendment expands interpreter access while maintaining Judicial Council oversight.

Fiscal and Operational Impacts

The proposed amendments to Evidence Code section 754 are expected to have minimal fiscal impact on the Judicial Council and trial courts, with costs primarily limited to administrative tasks such as developing a Judicial Council–approved provisional qualification process; developing related rules, forms, and guidelines; and updating interpreter rosters. CIAP will need to work with Judicial Council staff to develop training, education, and experience requirements. These costs will be absorbed through existing resources within the Judicial Council’s Language Access Services Program in the Center for Families, Children & the Courts. Operationally, courts may experience an initial adjustment period as they integrate non-court certified ASL interpreters with generalist credentials into non-complex functions, but this is expected to be manageable with appropriate training. Expanding the ASL interpreter pool may reduce costs from interpreter shortages while creating a pathway for more certified ASL court interpreters, ensuring long-term sustainability.

Request for Specific Comments

In addition to comments on the proposal as a whole, the advisory committee or other proponent is interested in comments on the following:

- Does the proposal appropriately address the stated purpose?

The advisory committee also seeks comments from *courts* on the following cost and implementation matters:

- Would the proposal provide cost savings? If so, please quantify.
- What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), or modifying case management systems?
- About how much time do courts anticipate needing for implementation?
- How well would this proposal work in courts of different sizes?

Attachments and Links

1. Attachment A: Evid. Code, § 754, at pages 6–8

2. Link A: *2020 Language Need and Interpreter Use Study* (March 2020),
<https://languageaccess.courts.ca.gov/sites/default/files/partners/default/2023-07/2020-language-need-and-interpreter-use-study-report-to-the-legislature.pdf>
3. Link B: *Language Access Plan: New Requirements for American Sign Language Court Interpreters* (October 27, 2023),
<https://jcc.legistar.com/View.ashx?M=F&ID=12443593&GUID=86D50238-F331-4F4E-BBA7-A91D30995599>
4. Link C: *Court Interpreters: Guidelines for Approval of Certification Programs for Interpreters for Deaf and Hard-of-Hearing Persons* (January 23, 2025),
<https://jcc.legistar.com/View.ashx?M=F&ID=13703631&GUID=53B28EFC-71FB-44C2-A44B-FF5515F94994>
5. Link D: Gov. Code, § 68561,
https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?chapter=2.&lawCode=GOV&title=8.&article=4

Section 754 of the Evidence Code would be amended, effective January 1, 2027, to read:

1 **§ 754**

2
3 (a) As used in this section, “individual who is deaf or hard of hearing” means an
4 individual with a hearing loss so great as to prevent ~~his or her~~ their understanding of
5 language spoken in a normal tone, but does not include an individual who is hard of
6 hearing provided with, and able to fully participate in the proceedings through the use of,
7 an assistive listening system or computer-aided transcription equipment provided
8 pursuant to Section 54.8 of the Civil Code.

9
10 (b) In a civil or criminal action, including an action involving a traffic or other infraction,
11 a small claims court proceeding, a juvenile court proceeding, a family court proceeding
12 or service, or a proceeding to determine the mental competency of a person, in a court-
13 ordered or court-provided alternative dispute resolution, including mediation and
14 arbitration, or in an administrative hearing, where a party or witness is an individual who
15 is deaf or hard of hearing and the individual who is deaf or hard of hearing is present and
16 participating, the proceeding shall be interpreted in a language that the individual who is
17 deaf or hard of hearing understands by a qualified interpreter appointed by the court or
18 other appointing authority, or as agreed upon.

19
20 (c) For purposes of this section, “appointing authority” means a court, department, board,
21 commission, agency, licensing or legislative body, or other body for proceedings
22 requiring a qualified interpreter.

23
24 (d) For purposes of this section, “interpreter” includes an oral interpreter, a sign language
25 interpreter, or a deaf-blind interpreter, depending upon the needs of the individual who is
26 deaf or hard of hearing.

27
28 (e) For purposes of this section, “intermediary interpreter” means an individual who is
29 deaf or hard of hearing, or a hearing individual who is able to assist in providing an
30 accurate interpretation between spoken English and sign language or between variants of
31 sign language or between American Sign Language and other foreign languages by acting
32 as an intermediary between the individual who is deaf or hard of hearing and the
33 qualified interpreter.

34
35 (f) For purposes of this section, “qualified interpreter” means an interpreter who has been
36 certified as competent to interpret court proceedings by a testing organization, agency, or
37 educational institution approved by the Judicial Council as qualified to administer tests to
38 court interpreters for individuals who are deaf or hard of hearing. A court may for good
39 cause appoint a non-court certified ASL interpreter who satisfies requirements approved
40 by the Judicial Council. The court shall follow the good cause and qualification
41 procedures and guidelines adopted by the Judicial Council.
42

1 (g) If the appointed interpreter is not familiar with the use of particular signs by the
2 individual who is deaf or hard of hearing or ~~his or her~~ their particular variant of sign
3 language, the court or other appointing authority shall, in consultation with the individual
4 who is deaf or hard of hearing or ~~his or her~~ their representative, appoint an intermediary
5 interpreter.

6
7 (h) (1) Before July 1, 1992, the Judicial Council shall conduct a study to establish the
8 guidelines pursuant to which it shall determine which testing organizations, agencies, or
9 educational institutions will be approved to administer tests for certification of court
10 interpreters for individuals who are deaf or hard of hearing. It is the intent of the
11 Legislature that the study obtain the widest possible input from the public, including, but
12 not limited to, educational institutions, the judiciary, linguists, members of the State Bar
13 of California, court interpreters, members of professional interpreting organizations, and
14 members of the deaf and hard of hearing communities. After obtaining public comment
15 and completing its study, the Judicial Council shall publish these guidelines. By January
16 1, 1997, the Judicial Council shall approve one or more entities to administer testing for
17 court interpreters for individuals who are deaf or hard of hearing. Testing entities may
18 include educational institutions, testing organizations, joint powers agencies, or public
19 agencies.

20
21 (2) Commencing ~~July 1, 1997,~~ January 1, 2027, court interpreters for individuals who
22 are deaf or hard of hearing shall meet the qualifications specified in subdivision (f).

23
24 (i) Persons appointed to serve as interpreters under this section shall be paid, in addition
25 to actual travel costs, the prevailing rate paid to persons employed by the court to provide
26 other interpreter services unless such service is considered to be a part of the person's
27 regular duties as an employee of the state, county, or other political subdivision of the
28 state. Except as provided in subdivision (j), payment of the interpreter's fee shall be a
29 charge against the court. Payment of the interpreter's fee in administrative proceedings
30 shall be a charge against the appointing board or authority.

31
32 (j) Whenever a peace officer or any other person having a law enforcement or
33 prosecutorial function in a criminal or quasi-criminal investigation or non-court
34 proceeding questions or otherwise interviews an alleged victim or witness who
35 demonstrates or alleges deafness or hearing loss, a good faith effort to secure the services
36 of an interpreter shall be made without any unnecessary delay, unless either the
37 individual who is deaf or hard of hearing affirmatively indicates that he or she does not
38 need or cannot use an interpreter, or an interpreter is not otherwise required by Title II of
39 the federal Americans with Disabilities Act of 1990 (Public Law 101-336) and federal
40 regulations adopted thereunder. Payment of the interpreter's fee shall be a charge against
41 the county, or other political subdivision of the state, in which the action is pending.

1 (k) A statement, written or oral, made by an individual who the court finds is deaf or hard
2 of hearing in reply to a question of a peace officer, or any other person having a law
3 enforcement or prosecutorial function in a criminal or quasi-criminal investigation or
4 proceeding, shall not be used against that individual who is deaf or hard of hearing unless
5 the question was accurately interpreted and the statement was made knowingly,
6 voluntarily, and intelligently and was accurately interpreted, or the court finds that either
7 the individual could not have used an interpreter or an interpreter was not otherwise
8 required by Title II of the federal Americans with Disabilities Act of 1990 (Public Law
9 101-336) and federal regulations adopted thereunder and that the statement was made
10 knowingly, voluntarily, and intelligently.

11
12 (l) In obtaining services of an interpreter for purposes of subdivision (j) or (k), priority
13 shall be given to first obtaining a qualified interpreter.

14
15 (m) Subdivisions (j) and (k) shall not be deemed to supersede the requirement of
16 subdivision (b) for use of a qualified interpreter for an individual who is deaf or hard of
17 hearing participating as a party or witness in a trial or hearing.

18
19 (n) In an action or proceeding in which an individual who is deaf or hard of hearing is a
20 participant, the appointing authority shall not commence the action or proceeding until
21 the appointed interpreter is in full view of and spatially situated to assure proper
22 communication with the participating individual who is deaf or hard of hearing.

23
24 (o) ~~Each superior court~~ The Judicial Council shall maintain a current roster of qualified
25 interpreters certified pursuant to subdivision (f).

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