

**COURT INTERPRETERS**  
**Government Code, Title 2, Subtitle D, Chapter 57**  
**Administered by the Texas Department of Licensing and Regulation**  
*(Effective September 1, 2001)*

**TABLE OF CONTENTS**

|  |          |
|--|----------|
| <b>SUBCHAPTER A. GENERAL PROVISIONS.....</b>   | <b>1</b> |
| SEC. 57.001. DEFINITIONS.....  | 1        |
| SEC. 57.002. APPOINTMENT OF INTERPRETER.....   | 1        |
| <b>SUBCHAPTER B. INTERPRETERS FOR HEARING-IMPAIRED INDIVIDUALS.....</b>                        | <b>2</b> |
| SEC. 57.021. COURT INTERPRETER CERTIFICATION PROGRAM.....                                      | 2        |
| SEC. 57.022. CERTIFICATION; RULES.....   | 2        |
| SEC. 57.023. EXAMINATIONS.....   | 3        |
| SEC. 57.024. EXECUTIVE DIRECTOR DUTIES.....  | 3        |
| SEC. 57.025. DENIAL, SUSPENSION, OR REVOCATION OF CERTIFICATE.....                             | 3        |
| SEC. 57.026. PROHIBITED ACTS.....  | 4        |
| SEC. 57.027. CRIMINAL OFFENSE; ADMINISTRATIVE PENALTY.....                                     | 4        |
| <b>SUBCHAPTER C. COURT INTERPRETERS FOR INDIVIDUALS WHO DO NOT COMMUNICATE IN ENGLISH.....</b> | <b>4</b> |
| SEC. 57.041. DEFINITIONS.....  | 4        |
| SEC. 57.042. LICENSED COURT INTERPRETER ADVISORY BOARD.....                                    | 4        |
| SEC. 57.043. ISSUANCE OF LICENSE; TERM.....  | 5        |
| SEC. 57.044. COURT INTERPRETER LICENSE.....  | 6        |
| SEC. 57.045. FEES.....   | 6        |
| SEC. 57.046. EXAMINATIONS.....   | 6        |
| SEC. 57.047. COMMISSIONER AND DEPARTMENT DUTIES; INSPECTIONS.....                              | 6        |
| SEC. 57.048. SUSPENSION AND REVOCATION OF LICENSES; REISSUANCE.....                            | 7        |
| SEC. 57.049. PROHIBITED ACTS.....  | 7        |
| SEC. 57.050. OFFENSE; ADMINISTRATIVE PENALTY.....  | 7        |
| SEC. 57.051. SUNSET.....   | 7        |

## **SUBCHAPTER A. GENERAL PROVISIONS**

### **Sec. 57.001. Definitions.**

In this subchapter and for purposes of Subchapter B:

- (1) "Certified court interpreter" means an individual who is a qualified interpreter as defined in Article 38.31, Code of Criminal Procedure, or Section 21.003, Civil Practice and Remedies Code, or certified under Subchapter B by the Texas Commission for the Deaf and Hard of Hearing to interpret court proceedings for a hearing-impaired individual.
- (2) "Commission" means the Texas Commission for the Deaf and Hard of Hearing.
- (3) "Executive director" means the executive director of the Texas Commission for the Deaf and Hard of Hearing.
- (4) "Hearing-impaired individual" means an individual who has a hearing impairment, regardless of whether the individual also has a speech impairment, that inhibits the individual's comprehension of proceedings or communication with others.
- (5) "Licensed court interpreter" means an individual licensed under Subchapter C by the Texas Commission of Licensing and Regulation to interpret court proceedings for an individual who can hear but who does not comprehend English or communicate in English.
- (6) "Real-time captioning" means transcribing the spoken words of an oral proceeding to simultaneously project the words on a screen.

### **Sec. 57.002. Appointment of Interpreter.**

- (a) A court shall appoint a certified court interpreter or a licensed court interpreter if a motion for the appointment of an interpreter is filed by a party or requested by a witness in a civil or criminal proceeding in the court.
- (b) A court may, on its own motion, appoint a certified court interpreter or a licensed court interpreter.
- (c) In a county with a population of less than 50,000, a court may appoint a spoken language interpreter who is not a certified or licensed court interpreter and who:
  - (1) is qualified by the court as an expert under the Texas Rules of Evidence;

- (2) is at least 18 years of age; and
- (3) is not a party to the proceeding.

[Sections 57.003-57.020 reserved for expansion]

## **SUBCHAPTER B. INTERPRETERS FOR HEARING-IMPAIRED INDIVIDUALS**

### **Sec. 57.021. Court Interpreter Certification Program.**

- (a) The commission shall certify court interpreters to interpret court proceedings for a hearing-impaired individual.
- (b) The commission may contract with public or private educational institutions to administer a training program and by rule may provide for suspension of training offered by an institution if the training fails to meet requirements established by the commission.
- (c) The commission shall maintain a list of certified court interpreters and other persons the commission has determined are qualified to act as court interpreters and shall send the list to each state court and, on request, to other interested persons.
- (d) The commission may maintain a list of persons certified by the Court Reporters Certification Board as specialists in real-time captioning and, on request, may send the list to a person or court.
- (e) The commission may accept gifts, grants, or donations from private individuals, foundations, or other entities to assist in administering the court interpreter certification program under this section.

### **Sec. 57.022. Certification; Rules.**

- (a) The commission shall certify an applicant who passes the appropriate examination prescribed by the commission and who possesses the other qualifications required by rules adopted under this subchapter.
- (b) The commission by rule shall provide for:
  - (1) the qualifications of certified court interpreters;
  - (2) training programs for certified court interpreters each of which is managed by the commission or by a public or private educational institution;

- (3) the administration of examinations;
- (4) the form for each certificate and procedures for renewal of a certificate;
- (5) the fees for training, examinations, initial certification, and certification renewal;
- (6) continuing education programs under this subchapter;
- (7) instructions for the compensation of a certified court interpreter and the designation of the party or entity responsible for payment of compensation; and
- (8) administrative sanctions enforceable by the commission.

**Sec. 57.023. Examinations.**

- (a) The commission shall prepare examinations under this subchapter that test an applicant's knowledge, skill, and efficiency in the field in which the applicant seeks certification.
- (b) A person who fails an examination may apply for reexamination at the next examination scheduled after the date the person failed the original examination.
- (c) Examinations shall be offered in the state at least twice a year at times and places designated by the commission.

**Sec. 57.024. Executive Director Duties.**

- (a) The executive director shall enforce this subchapter.
- (b) The executive director shall investigate allegations of violations of this subchapter.

**Sec. 57.025. Denial, Suspension, or Revocation of Certificate.**

- (a) The commission shall adopt rules establishing the grounds for denial, suspension, revocation, and reinstatement of a certificate issued under this subchapter. The commission may revoke or suspend certification under this subchapter only after a hearing.
- (b) The commission may reissue a certificate to a person whose certificate has been revoked if the person applies in writing to the commission and shows good cause to justify reissuance of the certificate.

**Sec. 57.026. Prohibited Acts.**

A person may not advertise, represent to be, or act as a certified court interpreter unless the person holds an appropriate certificate under this subchapter.

**Sec. 57.027. Criminal Offense; Administrative Penalty.**

- (a) A person commits an offense if the person violates this subchapter or a rule adopted under this subchapter. An offense under this subsection is a Class A misdemeanor.
- (b) A person who violates this subchapter or a rule adopted under this subchapter is subject to an administrative penalty assessed by the commission.

[Sections 57.028-57.040 reserved for expansion]

**SUBCHAPTER C. COURT INTERPRETERS FOR INDIVIDUALS WHO DO NOT COMMUNICATE IN ENGLISH**

**Sec. 57.041. Definitions.**

In this subchapter:

- (1) "Board" means the licensed court interpreter advisory board.
- (2) "Commission" means the Texas Commission of Licensing and Regulation.
- (3) "Commissioner" means the commissioner of licensing and regulation.
- (4) "Department" means the Texas Department of Licensing and Regulation.
- (5) "Licensed court interpreter" has the meaning assigned by Section 57.001.

**Sec. 57.042. Licensed Court Interpreter Advisory Board.**

- (a) The licensed court interpreter advisory board is established as an advisory board to the department. The board is composed of nine members appointed by the governor. Members of the board serve staggered six-year terms, with the terms of one-third of the members expiring on February 1 of each odd-numbered year.
- (b) The advisory board is composed of:

- (1) an active district, county, or statutory county court judge who has been a judge for at least the three years preceding the date of appointment;
  - (2) an active court administrator who has been a court administrator for at least the three years preceding the date of appointment;
  - (3) an active attorney who has been a practicing member of the state bar for at least the three years preceding the date of appointment;
  - (4) three active licensed court interpreters; and
  - (5) three public members who are residents of this state.
- (c) At the initial meeting of the board and at the first meeting after new members take office, the board shall select from its members a presiding officer.
  - (d) Members shall be appointed without regard to race, sex, religion, or ethnic origin. The membership of the board must reflect the geographical and cultural diversity of the state.
  - (e) The commissioner may remove a member of the board for inefficiency or neglect of duty in office. If a vacancy occurs on the board, the governor shall appoint a member who represents the same interests as the former member to serve the unexpired term.
  - (f) The board shall meet at least twice a year at the call of the presiding officer at a place designated by the presiding officer. A majority of the board constitutes a quorum.
  - (g) The board shall advise the commissioner regarding the adoption of rules and the design of a licensing examination.
  - (h) A board member is entitled to reimbursement for expenses incurred in attending meetings of the board in the amount of the per diem set by the General Appropriations Act. A member may not receive compensation for the member's services as a board member. Service on the board by a member appointed under Subsection (b)(1) is an additional duty required by the member's other official capacity, and that service on the board is not a dual office holding.

**Sec. 57.043. Issuance of License; Term.**

- (a) The commissioner shall issue a court interpreter license to an applicant who:
  - (1) can interpret for an individual who can hear but who does not comprehend English or communicate in English;
  - (2) passes the appropriate examination prescribed by the commissioner; and

- (3) possesses the other qualifications for the license required by this subchapter or by rules adopted under this subchapter.
- (b) The commissioner shall:
  - (1) adopt rules relating to licensing under this subchapter; and
  - (2) prescribe all forms required under this subchapter.
- (c) A license issued under this subchapter is valid for one year from the date of issuance.

**Sec. 57.044. Court Interpreter License.**

To qualify for a court interpreter license under this subchapter, an individual must apply on a form prescribed by the commissioner and demonstrate, in the manner required by the commissioner, reasonable proficiency in interpreting English and court proceedings for individuals who can hear but who do not comprehend English or communicate in English.

**Sec. 57.045. Fees.**

The commission by rule shall set license and examination fees under this subchapter.

**Sec. 57.046. Examinations.**

- (a) The commissioner shall prepare examinations under this subchapter that test an applicant's knowledge, skill, and efficiency in interpreting under this subchapter.
- (b) An individual who fails an examination may apply for reexamination at a scheduled examination held at least six months after the date the individual failed the original examination.
- (c) Examinations shall be offered in the state at least twice a year at times and places designated by the commissioner.

**Sec. 57.047. Commissioner and Department Duties; Inspections.**

- (a) The commissioner shall enforce this subchapter.
- (b) The department shall investigate allegations of violations of this subchapter.

**Sec. 57.048. Suspension and Revocation of Licenses; Reissuance.**

- (a) After a hearing, the commissioner shall suspend or revoke a court interpreter license on a finding that the individual:
  - (1) made a material misstatement in an application for a license;
  - (2) wilfully disregarded or violated this subchapter or a rule adopted under this subchapter;
  - (3) has been convicted of a felony or of any crime in which an essential element of the offense is misstatement, fraud, or dishonesty; or
  - (4) engaged in dishonorable or unethical conduct likely to deceive, defraud, or harm the public or a person for whom the interpreter interprets.
- (b) The commissioner may reissue a license to an individual whose license has been revoked if the individual applies in writing to the department and shows good cause to justify reissuance of the license.

**Sec. 57.049. Prohibited Acts.**

A person may not advertise, represent to be, or act as a licensed court interpreter unless the person holds an appropriate license under this subchapter.

**Sec. 57.050. Offense; Administrative Penalty.**

- (a) A person commits an offense if the person violates this subchapter or a rule adopted under this subchapter. An offense under this subsection is a Class A misdemeanor.
- (b) A person who violates this subchapter or a rule adopted under this subchapter is subject to an administrative penalty assessed by the commission as provided by Subchapter F, Chapter 51, Occupations Code.

**Sec. 57.051. Sunset.**

The licensed court interpreter advisory board is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the board is abolished and this subchapter expires September 1, 2013.

**Notes:**

1. *As soon as practicable after the effective date of this Act, the governor shall appoint the initial members of the licensed court interpreter advisory board, as required by Section 57.042, Government Code, as added by this Act. At the first meeting of the initial members of the board, the members shall draw lots to determine which three members will serve initial two-year terms expiring February 1, 2003, which three members will serve initial four-year terms expiring February 1, 2005, and which three members will serve initial six-year terms expiring February 1, 2007.*
2. *Except as provided by Subsection (b) of this section, this Act takes effect September 1, 2001.*
3. *Sections 57.026, 57.027, 57.049, and 57.050, Government Code, as added by this Act, take effect January 1, 2002.*
4. *A person is not required to hold a certificate under Subchapter B, Chapter 57, Government Code, as added by this Act, or a license under Subchapter C, Chapter 57, Government Code, as added by this Act, before January 1, 2002.*
5. *A person who is practicing as a court interpreter as described by Chapter 57, Government Code, as added by this Act, before September 1, 2001, may be licensed or certified without examination by submitting to the executive director of the Texas Commission for the Deaf and Hard of Hearing or to the Texas Department of Licensing and Regulation, as appropriate, proof of the person's experience on an application prescribed by the executive director or the commissioner of licensing and regulation not later than January 1, 2002, and paying the required fees. A license or certificate issued under this section may be renewed in the same manner as other licenses or certificates issued under the applicable law.*