

AN ACT

RELATING TO INTERPRETERS; CHANGING THE AGENCY RESPONSIBLE FOR MAINTAINING THE LIST OF QUALIFIED INTERPRETERS FOR DEAF AND HARD-OF-HEARING PERSONS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 38-9-1 NMSA 1978 (being Laws 1979, Chapter 263, Section 1) is amended to read:

"38-9-1. SHORT TITLE.--Chapter 38, Article 9 NMSA 1978 may be cited as the "Deaf Interpreter Act"."

Section 2. Section 38-9-3 NMSA 1978 (being Laws 1979, Chapter 263, Section 3) is amended to read:

"38-9-3. INTERPRETER REQUIRED.--If a deaf person who is a principal party in interest has provided notice and proof of disability, if required, pursuant to Section 38-9-6 NMSA 1978, the appointing authority shall appoint an interpreter, after consultation with the deaf person, to interpret or to translate the proceedings to the person and to interpret or translate the person's testimony. Interpreters may be selected from current lists of interpreters provided by the commission for deaf and hard-of-hearing persons for:

A. interpreters certified by the national registry of interpreters for the deaf; or

B. other interpreters qualified through action of the commission for deaf and hard-of-hearing persons."

Section 3. Section 38-9-6 NMSA 1978 (being Laws 1979, Chapter 263, Section 6) is amended to read:

"38-9-6. NOTICE--PROOF OF DISABILITY.--Every deaf person whose appearance at a proceeding entitles the person to an interpreter shall notify the appointing authority of the person's disability at least two weeks prior to any appearance and shall request the services of an interpreter. An appointing authority may require a person requesting the appointment of an interpreter to furnish reasonable proof of the person's disability when the appointing authority has reason to believe that the person is not so disabled. Reasonable proof shall include but not be limited to a statement from a doctor, an audiologist, the vocational rehabilitation division of the public education department, the commission for deaf and hard-of-hearing persons or a school nurse that identifies the person as deaf or as having hearing so seriously impaired as to prohibit the person from understanding voice communications."

Section 4. Section 38-9-7 NMSA 1978 (being Laws 1979, Chapter 263, Section 7) is amended to read:

"38-9-7. COORDINATION OF INTERPRETER REQUESTS.--

A. Whenever an appointing authority receives a valid request for the services of an interpreter, the appointing authority shall request the commission for deaf and hard-of-hearing persons to furnish a list of interpreters.

B. The New Mexico association of the deaf and the New Mexico registry of interpreters for the deaf are authorized to assist the commission to prepare and continually update a listing of available interpreters. When requested by an appointing authority to provide assistance in providing an interpreter, the commission shall supply a list of available interpreters.

C. An interpreter who has been appointed shall be reimbursed by the appointing authority at a fixed rate reflecting a current approved fee schedule as established by the commission and the administrative office of the courts. Nothing in this section shall be construed to prevent any state department, board, institution, commission, agency or licensing authority or any political subdivision of the state from employing an interpreter on a full-time basis or under contract at a mutually agreed upon compensation rate."