

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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."

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

3 "38-9-6. NOTICE--PROOF OF DISABILITY.--Every deaf
4 person whose appearance at a proceeding entitles the person
5 to an interpreter shall notify the appointing authority of
6 the person's disability at least two weeks prior to any
7 appearance and shall request the services of an interpreter.
8 An appointing authority may require a person requesting the
9 appointment of an interpreter to furnish reasonable proof of
10 the person's disability when the appointing authority has
11 reason to believe that the person is not so disabled.
12 Reasonable proof shall include but not be limited to a
13 statement from a doctor, an audiologist, the vocational
14 rehabilitation division of the public education department,
15 the commission for deaf and hard-of-hearing persons or a
16 school nurse that identifies the person as deaf or as having
17 hearing so seriously impaired as to prohibit the person from
18 understanding voice communications."

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

21 "38-9-7. COORDINATION OF INTERPRETER REQUESTS.--

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

1 interpreters.

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

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

18
19
20
21
22
23
24
25