



The Judiciary Review

Report from the Senate Judiciary Committee (D)

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May 2004

Costa Bill on Court Interpreters Gets Favorable Review at Public Hearing

Legislation sponsored by Senator Jay Costa that would direct the Administrative Office of Pennsylvania Courts (AOPC) to establish a statewide program for identifying and uniformly certifying qualified foreign language interpreters was the subject of a public hearing before the Senate Judiciary Committee on May 17. The legislation was inspired by the report of Race and Gender Bias Committee of the Pennsylvania Supreme Court issued in March 2003.

According to census statistics, of the 2.2 million foreign-born Pennsylvanians, 8.5 percent speak little or no English. This growing segment of the state's population too often faces a judicial system where translators are in short supply and possess widely differing capabilities and qualification standards. Therefore, the use of competent, certified foreign language interpreters as well as certified interpreters for the deaf/hearing impaired in court proceedings is essential to the proper functioning of the judicial process when involving limited English proficient litigants and litigants who are deaf/hearing impaired. Many states have established a certification process for such interpreters. In fact, as many as 29 states including New Jersey and California have enacted

programs to certify foreign language interpreters in court proceedings in recognition of the importance of equal access to justice.

The Committee heard from a variety of witnesses including William Hewitt, Project Specialist with the National Center for State Courts. That organization is responsible for administering a consortium of states with certification programs. The consortium provides standardized testing and continuing education programs for member states. Witnesses who testified regarding the need for and use of foreign language interpreters included the Pennsylvania and Philadelphia Bar Associations, the Pennsylvania Immigration and Citizenship Coalition, the Committee on the Deaf and Hard of Hearing, the Pennsylvania Society for the Advancement of the Deaf and the Pennsylvania District Attorneys Association as well as individuals who have been utilized by the courts to provide translation services. Janet Fasy, Deputy Court Administrator who is responsible for administering the court interpreter system for the First Judicial District, appeared to describe how such a program is currently administered in Philadelphia. There, the court utilizes eight full time staff interpreters who

provide English-Spanish translation services. Further, that court contracts with private providers for additional services as needed and for other languages translators when necessary.

Currently, several counties, including Allegheny County, are reviewing the use of foreign language and deaf/hearing impaired interpreters and the Pennsylvania Supreme Court has requested funds to join the multi-state consortium.

The bill, Senate Bill 669 is currently before the Senate Judiciary Committee and is being reviewed for possible amendment by the Committee in response to testimony submitted. *Current status: Senate Judiciary Committee*

NURSING OVERTIME

Senate Bill 722, sponsored by Senator Christine Tartaglione of Philadelphia, was also the subject of a public hearing before the Senate Judiciary Committee on Monday, May 24. This legislation, known as the Health Care Worker and Patient Protection Act, would prohibit an employee from a health care facility to be mandated to work in excess of a predetermined, regularly scheduled, daily work shift, or more than 80 hours in a two

week period. Under the Act an employee may voluntarily accept to work in excess of the predetermined regularly scheduled work shift or greater than 80 hours per two weeks. Refusal of an employee to accept such overtime cannot be utilized as grounds for discrimination, dismissal, or discharge. Groups representing nurses, employee unions and health care institutions were among those providing information to the committee about the legislation. The bill remains in the Senate Judiciary Committee.

Current status: Senate Judiciary Committee

House sends Bills to Senate for Concurrence

The House of Representatives recently adopted several measures that were previously considered by the Senate Judiciary Committee which have been returned to the Senate for concurrence vote.

■ Senate Bill 92 Printer's No. 1614

Chapter 65 was added to further provide for Landlord and Tenant actions. Generally, the amendments provide an expedited eviction process for the breach of contract or failure to pay rent by a residential or commercial tenant. Previous enactments, Act 33 and Act 36 of 1995 were suspended by the Supreme Court after review by the Minor Court Procedural Rules Committee. That committee promulgated revised rules somewhat consistent with that which was enacted in Acts 33 and 36 of 1995. Those rules are found at Pennsylvania Rules of

Conduct, Office Standards and Civil Procedure for District Justices. Pa.R.C.P.D.J. Rule 501 et seq.

Current status: Senate Rules Committee

■ Senate Bill 133 Printer's No. 1434

The bill amends the Vehicle Code to increase the penalties for multiple driving under the influence convictions and to revise the DUI ignition interlock system.

Current status: Senate Rules Committee

■ Senate Bill 304 Printer's No. 1516

The bill amends the Probate Code to give state and local taxes a priority when the assets of an

estate are insufficient to pay all of the debts of the estate, to further provide for payments to family and funeral directors, and adds language relating to grave markers.

Current status: Senate Rules Committee

■ Senate Bill 319 Printer's No. 1030

Legislation providing for an Interstate Compact for Juveniles. Amendments by the House changed the membership on the Council from 11 members to 13 members, 9 of whom shall be appointed by the Governor and include a District Attorney and a Public Defender.

Current status: Senate Rules Committee



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