

BILL ANALYSIS

House Bill Analysis

H.B. 1132
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Criminal Justice
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Engrossed

BACKGROUND

Currently, an interpreter is not privileged to exemption from testimony in court for any communication occurring between the interpreter and the deaf person even if the deaf individual, and the communication should be considered confidential. It is also believed that a relay agent should be included with the interpreter as a qualified agent to relay information over a dual-party telephone system and accorded the rights and privileges of an interpreter.

PURPOSE

As proposed, H.B. 1132 adds a "relay agent to the list of people who are able to interpret for the hearing impaired. It also provides a privilege of exemption from court testimony for any communications that an interpreter or relay agent gives to the deaf person or speech impaired individual.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Title 4, Human Resources Code, by adding Chapter 82 (Confidentiality of Interpreted, Transliterated, or Relayed Conversations).

Section 82.001 (Definitions) defines a "qualified interpreter" as a person employed as an interpreter who holds a current Reverse Skills Certificate, Comprehensive Skills Certificate, or Legal Skills Certificate issued by the National Registry of Interpreters for the Deaf, a current Level III, IV or V Certificate issued by the Board for Evaluation of Interpreters or another current certificate that the Texas Commission for the Deaf determines is comparable. A "relay agent" is a person employed to relay conversations for a person who is hearing impaired or speech impaired over a dual-party telephone relay system.

Section 82.002 (Confidentiality of Conversations) A qualified interpreter or relay agent who is employed to interpret, transliterate, or relay a conversation for a person who is hearing or speech impaired. This person is a conduit for conversation and may not disclose or be compelled to disclose the contents of the conversation through testimony, reporting, or subpoena.

Section 82.003 (Criminal Penalty) (a) states a qualified interpreter or relay agent who is employed to interpret, transliterate, or relay a conversation for a hearing or speech impaired person commits an offense if he or she discloses the contents of the conversation unless the consent of each party of the conversation is obtained.

(b) makes this offense a class C misdemeanor.

SECTION 2. Effective date: September 1, 1991, and applies to a conversation that is interpreted, transliterated, or relayed on or after the effective date of this Act.

SECTION 3. Emergency clause.