

## 2004 SESSION

### HOUSE SUBSTITUTE

043478404

#### SENATE BILL NO. 24

#### AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee for Courts of Justice  
on March 1, 2004)

(Patron Prior to Substitute—Senator Marsh)

*A BILL to amend the Code of Virginia by adding a section numbered 37.1-67.5:01, relating to interpreters in mental commitment proceedings.*

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding a section numbered 37.1-67.5:01 as follows:**

*§ 37.1-67.5:01. Interpreters for non-English-speaking persons in commitment or certification proceedings.*

*In any proceeding pursuant to § 37.1-65.1 or §§ 37.1-67.1 through 37.1-67.4 in which a non-English-speaking person is alleged to be mentally retarded or mentally ill or is a witness in such proceeding, an interpreter for such person shall be appointed by the judge, or in the case of § 37.1-67.1, a magistrate before whom such proceeding is pending. Failure to appoint an interpreter when an interpreter is not reasonably available or when the person's level of English fluency cannot be determined, shall not be a basis to dismiss the petition or void the order entered at such proceeding. The compensation for such interpreter shall be fixed by the court in accordance with the guidelines set by the Judicial Council of Virginia and shall be paid out of the state treasury.*

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