



# NATIONAL CRIME VICTIM LAW INSTITUTE

## **Interpreters During Court Proceedings: A Requirement for the Meaningful Exercise of Rights and Access to Justice for Victims in Need of Language Assistance<sup>1,2</sup>**

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The research underlying this resource was conducted by the National Crime Victim Law Institute (NCVLI), in part, under Grant Nos. 15POVC-23-GK-02770-NONF and 15POVC-22-GK-03561-NONF, awarded by the Office for Victims of Crime, Office of Justice Programs, U.S. Department of Justice. This resource was developed by NCVLI under Grant No. 2020-V3-GX-K022, awarded by the Office for Victims of Crime, Office of Justice Programs, U.S. Department of Justice. The opinions, findings, conclusions or recommendations expressed are those of the author(s) and do not necessarily represent the official position or policies of the U.S. Department of Justice.

For crime victims with limited English proficiency (LEP)<sup>3</sup> or who are D/deaf or hard of hearing (D/HoH),<sup>4</sup> accessing courts and effectuating rights can be daunting, if not impossible, without language assistance.<sup>5</sup> Court proceedings are highly structured, stressful events that involve the use of specialized legal terms,<sup>6</sup> and criminal court proceedings are proceedings in which victims are independent legal participants with significant rights and interests at stake. To assert these rights and protect these interests, victims must be able to understand the proceedings and communicate effectively about complex issues involving often-traumatic events.<sup>7</sup> While laws and policies often explicitly recognize that LEP and D/HoH victims require no-cost language assistance in courtrooms to communicate in their capacity as testifying witnesses,<sup>8</sup> victims of crime also require such assistance in their capacity as “victims” to ensure meaningful access to justice.

Courts have inherent authority to address this need through the appointment of interpreters<sup>9</sup> for LEP and D/HoH victims during court proceedings,<sup>10</sup> and the exercise of this authority is consistent with important public policies, such as maintaining the integrity of court systems, keeping survivors and their communities safe,<sup>11</sup> and reducing opportunities for revictimization within court processes.<sup>12</sup>

State and federal jurisdictions also specifically call for such appointment through laws, rules, and language access plans.<sup>13</sup> These provisions recognize and address victims’ need for language assistance when victims appear in court in their role as “victims,” rather than as witnesses. In fact, a significant number of states expressly require that courts appoint interpreters for victims;<sup>14</sup> and Congress recently expanded the federal rule authorizing the appointment of interpreters in criminal court to include the appointment of interpreters for victims.<sup>15</sup> In addition, victims’ rights—such as the rights to be treated with fairness, dignity, and respect, to due process, to be present and heard, and to access justice—also require the appointment of no-cost interpreters during criminal court proceedings.<sup>16</sup> Moreover, various federal and state laws require and/or authorize courts to provide interpreters to all LEP and D/HoH individuals participating in court proceedings.<sup>17</sup> These laws—especially in combination

with victims' rights laws and public policy—further call for the appointment of interpreters throughout criminal court proceedings for LEP and D/HoH victims.

## **I. A Significant Number of States Expressly Recognize that LEP and D/HoH Victims Are Entitled to the Appointment of an Interpreter During State Court Proceedings.**

At least 20 states expressly recognize that LEP and/or D/HoH victims are entitled to an interpreter in criminal court proceedings through victims' rights laws, provisions governing criminal court procedures, judicial administration rules, state language access plans, and court websites. These jurisdictions afford victims the right to an interpreter when they appear in court in their capacity as "victims," including when they are in court to exercise their rights or otherwise participate in justice processes.<sup>18</sup>

How these jurisdictions recognize and articulate this right vary. For instance, some jurisdictions affirmatively guarantee LEP victims the right to an interpreter at court proceedings,<sup>19</sup> while others affirmatively afford LEP victims the right to be informed that they have the right to an interpreter and/or translator<sup>20</sup> or frame the right as a court obligation to provide interpreters for these victims.<sup>21</sup> Likewise, many of these and other jurisdictions affirmatively afford D/HoH victims the right to the appointment of interpreter in court,<sup>22</sup> the right to be informed of their right to an interpreter,<sup>23</sup> or the right to request that an interpreter be appointed.<sup>24</sup> Other jurisdictions express this right through requirements that courts appoint an interpreter for D/HoH victims.<sup>25</sup> Additionally, some states expressly afford interpreter-related rights to victims with any disability that results in the need for interpreter services.<sup>26</sup> The relevant text of the state laws, rules, and language access plans referenced in this paragraph are available in [Appendix A](#) of this resource.

While some of these jurisdictions provide victims with an absolute right to an interpreter, others make the right subject to availability<sup>27</sup> and/or the court's discretion regarding need.<sup>28</sup> As detailed in the next section, victims have independent rights that require the appointment of interpreters for LEP and D/HoH victims; these rights can render such limitations unlawful or otherwise inapplicable.<sup>29</sup> Depending on the jurisdiction, there may be a rebuttable presumption that a victim who requests an interpreter has LEP or is D/HoH;<sup>30</sup> in other instances, the burden of establishing need may fall on whomever is requesting the interpreter.<sup>31</sup> Generally, in jurisdictions where victims have a right to an interpreter during court proceedings, the court bears the cost of the interpreter.<sup>32</sup>

The federal government and some states provide courts with express authority to appoint interpreters for crime victims without an express mandate that an appointment be made.<sup>33</sup> Other states address the appointment of interpreters through provisions that do not expressly refer to crime victims.<sup>34</sup> These provisions—and how they related to victims' right to the appointment of an interpreter—are explored more in Part III.A *infra*.

## **II. Victims' Independent Rights Require the Appointment of Interpreters for LEP and D/HoH Victims During Federal and State Criminal Court Proceedings.**

Victims have independent rights in federal and state criminal court proceedings, the meaningful exercise of which requires access to an interpreter throughout these proceedings.

### **A. Victims' Rights to be Treated with Fairness, Dignity, and Respect.**

The federal government and a majority of states provide victims with the rights to be treated with fairness, dignity, and respect.<sup>35</sup> These rights require court procedures that treat victims justly, recognize their worth as individuals, and minimize opportunities for revictimization.<sup>36</sup> When victims have LEP or are D/HoH, these rights require that they have the same level of access and participation in court proceedings as individuals who do not face the same barriers to comprehending and communicating in English.<sup>37</sup> As such, these rights require the appointment of interpreters. Because the interpretive needs of LEP and D/HoH victims in court can differ from those of non-victims facing the same language barriers, these rights also call for the appointment of interpreters who are culturally competent and have experience with and training in victims' unique language assistance needs.<sup>38</sup>

### **B. Victims' Rights to Due Process.**

Victims' federal and state rights to fair treatment are also rights to due process.<sup>39</sup> In many state jurisdictions, victims have an express right to due process in addition to their right to fair treatment;<sup>40</sup> and due process is a component of victims' other rights, such as the rights to be present and heard at court proceedings. A central aspect of the right to due process is the right to meaningful participation in a court proceeding when one's rights and interests are at stake.<sup>41</sup> Meaningful participation requires being able to understand and be understood in court;<sup>42</sup> thus, victims' due process rights require the appointment of an interpreter in all criminal court proceedings in which their rights and interests are implicated.<sup>43, 44</sup>

### **C. Victims' Rights to be Present at and Heard in Criminal Court Proceedings.**

Victims have federal and state rights to be present at criminal court proceedings at which their rights and interests are at stake; some jurisdictions specify the court proceedings at which victims have the right to be present, while others do not.<sup>45</sup> Victims also have federal and state rights to be heard in criminal court; as with the right to be present, this right may broadly apply to all proceedings in which victims' rights and interests are at issue, or it may be limited to specific proceedings.<sup>46</sup> Importantly, even when victims do not have an explicit right to be heard at a proceeding, if their rights and interests are implicated, traditional notions of due process afford them the right to be heard.<sup>47</sup>

To effectuate their rights to be present and heard in a meaningful manner, victims first must be able to understand the proceedings.<sup>48</sup> For LEP and D/HoH victims, exercise of their right to be present is not satisfied solely through physical presence; comprehending what is

happening and being said in the courtroom is a necessary component of meaningful presence.<sup>49</sup> Likewise, the right to be heard is of little value if victims are not adequately able to comprehend the proceedings leading up to and occurring during the exercise of their rights.<sup>50</sup> Without this information, victims cannot meaningfully form their views, let alone make their views known to the court, prosecution, or others. Consequently, to ensure meaningful exercise of the right to be heard, victims must be provided interpreters from the earliest stages of the proceedings.<sup>51</sup>

On a more fundamental level, the appointment of a no-cost interpreter is necessary for victims to fulfill the key purposes of the right to be heard: to communicate to others in the courtroom their unique perspectives and their story—information that is valuable on its own and as part of the judicial decisionmaking processes.

#### **D. Victims’ Rights to Access Justice.**

Federal and state law afford crime victims—like all individuals—a right to access justice. Access to justice is a fundamental constitutional right,<sup>52</sup> as well as a component of victims’ rights to be treated with fairness, dignity, and respect.<sup>53</sup> Language and other communication barriers are well-recognized as discouraging crime victims from reporting crime and from participating in criminal investigations and prosecutions.<sup>54</sup> For courts to be open and accessible to individuals with LEP or who are D/HoH, courts must provide these individuals with interpreters.<sup>55</sup> Additionally, requiring victims with LEP and who are D/HoH to pay for their own interpreters erects a financial barrier to their participation in proceedings that runs afoul of the right to access courts.<sup>56</sup> The appointment of a no-cost interpreter for victims with LEP and D/HoH victims is necessary to ensure that they have meaningful access to justice.<sup>57</sup>

#### **E. Federal and State Courts’ Obligations to Ensure that Victims are Afforded Their Rights Through the Appointment of Interpreters.**

Critically, courts have an obligation to ensure that every person who has a legal interest in a proceeding is afforded their full right to be heard.<sup>58</sup> Courts also have separate statutory obligations to ensure that victims are afforded their rights.<sup>59</sup> These obligations require that courts facilitate victims’ ability to meaningfully exercise their rights in court.<sup>60</sup> For the reasons discussed above, the appointment of an interpreter is one means through which courts can fulfill these obligations when victims have LEP or are D/HoH.

### **III. Federal and State Laws Require and/or Authorize Court Systems to Provide Interpreters to LEP and D/HoH Individuals Participating in Court Proceedings, Including Crime Victims.**

#### **A. Title VI, the ADA, and State Interpreter Provisions Call for the Appointment of Interpreters for LEP and D/HoH Crime Victims in State Court.**

State court systems receiving federal funding must provide meaningful language access to LEP individuals, including crime victims. This right to language access is rooted in Title VI of the Civil Rights Act of 1964 (Title VI),<sup>61</sup> which prohibits discrimination based on race, color, or national origin by recipients of federal funds. In response to an executive order<sup>62</sup> requiring

federal agencies and recipients of federal funding to provide “meaningful access” to LEP individuals under Title VI and directing federal agencies to publish LEP guidance for their financial assistance recipients, the Department of Justice (DOJ) issued official guidance interpreting Title VI and other federal laws regarding language access.<sup>63</sup>

In its guidance, DOJ states that these federal laws require that state courts provide competent interpretation for LEP individuals in court proceedings for which these individuals “must and/or may be present.”<sup>64</sup> DOJ emphasizes that it “views access to *all* court proceedings as critical,” and that courts should provide no-cost “language assistance to non-party LEP individuals whose presence or participation in a court matter is necessary or appropriate, including parents and guardians of minor victims of crime . . . .”<sup>65</sup> In the vast majority of jurisdictions, a victim’s meaningful presence and participation during court proceedings involves the exercise of the victim’s constitutional and/or statutory rights. LEP victims’ presence or participation in a state criminal court proceeding is thus “necessary or appropriate,” and federal law entitles them to assistance from an interpreter at no cost.<sup>66</sup>

In addition to their Title VI obligations, state courts must provide D/HoH victims with a sign-language interpreter in court proceedings under the Americans with Disabilities Act (ADA). The ADA provides that “no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity.”<sup>67</sup> To meet the requirements of the ADA, state courts must provide victims with sign language interpreters.<sup>68</sup>

In recent years, states have adopted or modified court procedural rules or protocols, enacted statutes, put in place language access plans, and taken other steps to ensure compliance with their legal obligations regarding language access in courts.<sup>69</sup> Many such laws and rules are identified above in Part I; these provisions expressly require the appointment of interpreters for LEP or D/HoH victims. At least one state requires that courts appoint an interpreter for *all* individuals with LEP in connection with their participation in a criminal court proceeding.<sup>70</sup> Although this law does not expressly mention crime victims, victims clearly fall within the group to whom language services are promised under this and similar provisions.

A number of other states and the District of Columbia have enacted statutes and rules governing the appointment of interpreters that specifically afford the right to an interpreter to parties and/or witnesses with LEP or who are D/HoH, but do not expressly extend this right to victims.<sup>71</sup> These laws must be considered in light of a jurisdiction’s crime victims’ rights laws, as well as federal obligations under Title IV, the ADA, and other relevant provisions. Through this lens, such narrow interpreter provisions do not mandate a ceiling for interpreter services, but instead establish the minimum requirements that courts are required to uphold. Thus, crime victims are entitled to interpreter services in state courts in these jurisdictions too.

## **B. Federal Rule of Criminal Procedure 28 and the Crime Victims' Rights Act Call for the Appointment of Interpreters for LEP and D/HoH Crime Victims in Federal Court.**

Although the language access requirements of the ADA and Title VI do not apply to federal courts,<sup>72</sup> there are other federal laws and policies that require the appointment of interpreters in federal criminal court proceedings for LEP and D/HoH victims. For instance, federal criminal courts have express authority to appoint interpreters for crime victims under Federal Rule of Criminal Procedure 28, the rule governing federal selection, appointment, and compensation of interpreters in criminal courts.<sup>73</sup> Congress amended this rule to explicitly include interpreters for crime victims as part of the Justice for All Reauthorization Act of 2016.<sup>74</sup> This amendment was designed to ensure that interpreters are available to all victims who wish to exercise their participatory rights in criminal proceedings.<sup>75</sup> Federal courts have an obligation under the Crime Victims' Rights Act (CVRA), 18 U.S.C. § 3771, to ensure that victims' rights are upheld and enforced;<sup>76</sup> to fulfill this obligation when victims have LEP or are D/HoH, courts must exercise their authority under Rule 28 to appoint an interpreter.<sup>77</sup>

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Ultimately, victims with LEP or who are D/HoH can face significant language barriers in court proceedings where their rights and interests are at stake. Dismantling these barriers and affording victims the language access to which they are entitled starts with the appointment of no-cost interpreters throughout court proceedings.

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<sup>1</sup> Victims' access to justice requires interpreters throughout their participation and involvement in criminal justice processes. This resource is focused on the appointment of interpreters for victims during court proceedings. Victims' rights to and interests in the appointment of interpreters in other contexts is generally outside the scope of this resource.

<sup>2</sup> This resource builds off a previous NCVLI publication: *Interpreters: A Requirement for Meaningful Exercise of Victims' Rights by Non-English Speaking Victims* (2013), NCVLI Victim Law Article (Fall/Winter 2013).

<sup>3</sup> Laws and policies related to language access in courts use the term "limited English proficiency" (LEP) to refer to individuals who "do not speak English as their primary language" and who "have a limited ability to read, write, speak, or understand English." U.S. Dep't of Justice, *Language Access Plan*, 19 n.67 (Aug. 15, 2023), <https://www.justice.gov/d9/2023-08/DOJ-Language-Access-Plan-August-2023.pdf> [hereinafter *DOJ Language Access Plan*]. NCVLI uses the term "LEP" in this resource for consistency with the laws and policies being analyzed, but recognizes that some language access literature recommends more inclusive terms, such as "individuals with a non-English language preference" or "individuals who speak a language other than English." See, e.g., Pilar Ortega, Tiffany M. Shin & Glenn A. Martinez, *Rethinking the Term "Limited English Proficiency" to Improve Language-Appropriate Healthcare for All*, 24 J. Immigrant Minority Health 799, 799–805 (2022); see *DOJ Language Access Plan* at 19 n.67 (recognizing criticism of the term "LEP"). In this resource, the term "LEP victims" refers to victims whose ability to speak and comprehend English is not at a level necessary for meaningful participation in court proceedings.

<sup>4</sup> Although the term LEP can include individuals who are D/HoH, this resource follows the U.S. Department of Justice in separately recognizing D/HoH individuals when discussing issues of language access. See generally *DOJ Language Access Plan*, *supra* note 3, at 11–14 (discussing the provision of language assistance services to individuals with LEP and individuals who are D/HoH).

<sup>5</sup> See Vera Institute et al., *Translating Justice: A Unified Language Access Blueprint to Accessing Justice*, at 2–3 (2019), <https://reachingvictims.org/wp-content/uploads/2019/09/Translating-Justice-Introduction.pdf> [hereinafter,



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*Translating Justice*] (“Even among those [crime victims] who speak, read, and write English, communication barriers between victims and justice-related systems arise. These barriers are exacerbated for victims for whom English is not their primary language, victims who have limited English proficiency, and victims who are Deaf or hard of hearing. For these victims, language, communication, and cultural barriers impede equal access to justice and victim-related services and supports.”); see also Lauren Oberheim, *Selective Hearing: Communication Barriers in the Court System for Deaf and Hard-of-Hearing Victims of Rape or Sexual Assault*, 25 Wm. & Mary J. Race, Gender & Soc. Just. 163, 181 (2018) (internal footnotes omitted) (“Understanding courtroom proceedings is universally difficult. For a d/Deaf individual with ‘minimal language skills,’ . . . understanding courtroom proceedings may be near impossible[.]”).

<sup>6</sup> See U.S. Dep’t of Just., Civil R. Div., *Language Access in State Courts* 1 (2016), [https://www.justice.gov/d9/fieldable-panel-panes/basic-panes/attachments/2020/02/26/language\\_access\\_in\\_state\\_courts\\_508\\_091516.pdf](https://www.justice.gov/d9/fieldable-panel-panes/basic-panes/attachments/2020/02/26/language_access_in_state_courts_508_091516.pdf) [hereinafter, *DOJ Language Access in State Courts*] (“Court cases are often highly structured, stressful experiences requiring specialized terminology. Without careful attention to providing effective language services, many people will face a judicial process that places unfair and unconstitutional burdens on their ability to fully participate in proceedings. At the same time, relying on un-interpreted or poorly interpreted testimony from witnesses who are not proficient in English, or from improperly translated documents, will hinder the court’s ability to determine the facts and dispense justice.”).

<sup>7</sup> See *Translating Justice*, *supra* note 5, at 6 (“For both individuals with LEP and D/d/HoH individuals, it is difficult to exchange information in any language other than a person’s primary language in the best circumstances, and it becomes even more difficult if that person has experienced a crime, is in crisis, or if the information to be conveyed is complex.”).

<sup>8</sup> Appointment of interpreters for victim-witnesses is often considered in terms of how the victim-witness’s ability to understand and be understood in court proceedings impact a defendant’s constitutional rights, including the defendant’s rights to due process and to confrontation. See, e.g., *Kinlaw v. State*, 893 S.E.2d 712, 717–19 (Ga. 2023) (finding that the trial court’s failure to provide an interpreter for the victim did not render trial for aggravated stalking fundamentally unfair in violation of defendant’s due process rights, where, *inter alia*, there were very few instances that definitively signaled that victim did not understand words used, the victim did not request an interpreter, the victim asked for and received clarification when testifying, the victim’s answers were generally responsive to the questions asked, and defendant presented no evidence that the victim’s testimony was hampered by lack of interpreter or that she would have answered differently if she had an interpreter).

<sup>9</sup> Although the terms interpreter and translator are often used interchangeably, they describe different roles in language assistance services. Interpreters orally render one spoken language to another, while translators render a written document from one language into another. Both can play a critical role in victims’ language access in the criminal justice system. See *Translating Justice*, *supra* note 5, at 3 (“Both interpretation and translation are critical communication methods that either can enhance or impede a crime victim’s access to victim services and justice-related supports.”); see generally *DOJ Language Access in State Courts*, *supra* note 6, at 1, 5 (describing the differences between interpretation and translation for the purposes of language access). This resource focuses on the appointment of interpreters during court proceedings but also includes references to laws and rules that require or authorize the appointment of translators for crime victims.

<sup>10</sup> The inherent authority of courts to appoint interpreters has long been recognized. See *People v. Walker*, 231 P. 572, 577 (Cal. Dist. Ct. App. 1924) (internal citations omitted) (“[I]t is undoubtedly the rule not only that courts of general jurisdiction have inherent power to swear interpreters whenever such a course is necessary to the due administration of justice . . . , but that the power may be exercised to supplement existing statutes the provision of which do not extend to all cases in which such a necessity appears . . . .”); *People v. Shok*, 145 N.E.2d 86, 88 (Ill. 1957) (observing that the “calling of an interpreter is normally within the discretion of the trial court”); *In re Chekin-Hernandez*, Nos. 283148 & 283149, 2008 WL 2813122, at \*1 (Mich. Ct. App. July 22, 2008) (per curiam) (unpublished) (recognizing the court’s “inherent authority to appoint an interpreter when a party or witness does not speak English ‘because inherent in the nature of justice is the notion that those involved in litigation should understand and be understood’” (quoting 75 Am. Jur. 2d, Trial, § 166)). This inherent authority extends to the appointment of interpreters for victims. See, e.g., *State v. McLellan*, 286 S.E.2d 873, 874–75 (N.C. Ct. App. 1982) (stating that “[a] court has the inherent authority to appoint an interpreter for the proper transaction of its business” and finding that the court was well within its discretion in appointing an interpreter for a victim whose speech was difficult to understand due to a childhood accident).

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<sup>11</sup> See *DOJ Language Access in State Courts*, *supra* note 6, at 1, 5–8 (explaining the ways in which language services for victims and witnesses in court proceedings can support the integrity of court proceedings and institutions, help courts determine facts and dispense justice, and keep communities safe).

<sup>12</sup> A court’s failure to address language barriers experienced by crime victims in their courtroom can deprive victims of their agency and voice, which can result in revictimization and cause secondary harm. See, e.g., Oberheim, 25 Wm. & Mary J. Race, Gender & Soc. Just. at 179–80 (explaining that when D/HoH victims of sexual assault face delays in accessing interpreters during the adjudicative process, they can feel revictimized by the system). As such, public policy against revictimization further supports the provision of no-cost language assistance in courtrooms to LEP and D/HOH victims. See also *Translating Justice*, *supra* note 5, at 4 (internal footnotes omitted) (“Language barriers are associated with a number of adverse outcomes, including victimization. Immigrants, particularly those who are LEP and/or fearful of deportation, are at increased risk of being targeted by criminals (for various crimes, ranging from domestic violence, assault, fraud, rape, robbery, trafficking, and bias/hate crimes) because perpetrators know they cannot or will not seek out police protection. Deaf and hard of hearing individuals living in the U.S. have higher rates of domestic and sexual victimization—intimate partner violence, psychological aggression and abuse, forced sexual experiences, and sexual assault—than their hearing counterparts.”).

<sup>13</sup> Many jurisdictions provide LEP and/or D/HoH victims with rights related to language access at other points during their interactions with criminal justice processes, beyond the limited context of court proceedings, such as: when being informed of their rights, see, e.g., Ind. Code Ann. § 35-40-6-4(4), Wyo. Stat. Ann. § 1-40-204(a)(v); when receiving services from state-funded victim assistance centers, see, e.g., Cal. Penal Code § 13835.4(a); during law enforcement interviews, see, e.g., Ohio Rev. Code Ann. § 2930.041(B)(1)(c), Neb. Rev. Stat. Ann. § 29-4312(3), Wash. Rev. Code Ann. § 2.42.120(4); during meetings with prosecutors, see, e.g., Ohio Rev. Code Ann. § 2930.041(B)(1)(b); during contact with probation or corrections departments, Ohio Rev. Code Ann. § 2930.041(B)(1)(d)–(e); and with respect to crime victim compensation applications, investigations, or appeals, see, e.g., Ala. Admin. Code R. 262-X-13-.01. Some other jurisdictions generally require that victims receive language access services, such as interpretation services and documents that are available in languages other than English. See, e.g., Colo. Rev. Stat. Ann. § 24-4.1-303(9)(f); N.J. Stat. Ann. § 52:4B-44(b)(22).

<sup>14</sup> See generally *infra* Part I (discussing state laws, rules, and language access plans that expressly recognize that LEP and D/HoH crime victims are entitled to the appointment of an interpreter during state court proceedings); [Appendix A, Select State Laws, Rules, and Language Access Plans That Expressly Address Crime Victims’ Rights, in their Capacity as “Victims,” to Interpreters/Translators During Court Proceedings](#) (collecting language from state laws, rules, and language access plans that expressly recognize crime victims’ rights to interpreters/translators during court proceedings, when present in the courtroom in the capacity as “victims”).

<sup>15</sup> See generally *infra* Part III.B (discussing Federal Rule of Criminal Procedure 28, the 2016 amendment to the rule expressly authorizing appointment of an interpreter for crime victims, and the relationship between federal courts’ authority under the rule and their obligation, under the federal Crime Victims’ Rights Act (CVRA), 18 U.S.C. 3771, to ensure that victims’ rights are upheld and enforced).

<sup>16</sup> See generally *infra* Part II (discussing crime victims’ independent rights in federal and state criminal court proceedings and how the meaningful exercise of these rights requires access to an interpreter throughout such proceedings).

<sup>17</sup> See generally *infra* Part III.A (discussing LEP victims’ rights to language access and competent interpretation in state court proceedings under Title VI of the Civil Rights Act of 1964 (Title VI), the right of D/HoH victims to sign-language interpreters in state court proceedings under the Americans with Disabilities Act (ADA), and state provisions that otherwise call for the appointment of interpreters for LEP and D/HoH individuals in state court proceedings).

<sup>18</sup> At least two states expressly recognize that victims are entitled to the appointment of an interpreter in a criminal proceeding to exercise their independent constitutional and/or statutory rights. See, e.g., Or. Rev. Stat. Ann. §§ 45.275(1)(b), (8)(b); Vt. R. Crim. P. 28 & 2017 ed. notes. Other jurisdictions word their interpreter provisions broadly to account for the appointment of an interpreter for victims when necessary for the victim to understand the proceedings, to communicate with the court and parties, and to otherwise participate.

<sup>19</sup> See, e.g., Ohio Rev. Code Ann. § 2930.041(B)(1)(a).

<sup>20</sup> See, e.g., 725 Ill. Comp. Stat. Ann. 120/4.5(b)(7), Va. Code Ann. § 19.2-11.01(A)(5)(b), Wis. Stat. Ann. §§ 885.38(3)(a)(3), (1)(b)(1).



<sup>21</sup> See, e.g., Alaska R. Admin. 6(b); Ariz. Jud. Branch, *Self-Service Center: Language Access*, <https://www.azcourts.gov/selfservicecenter/Language-Access>; Colo. Rev. Stat. Ann. § 24-4.1-303(14.5)(d); Conn. Jud. Branch, *Language Access Plan 9* (2023), <https://www.jud.ct.gov/LEP/LanguageAccessPlan.pdf>; Idaho Ct. R. Admin. 52(e)(1) (eff. July 1, 2024); Ky. Admin. P. IX, § 4(1)(b); La. Sup. Ct. Gen. Admin. R. Pt. G. §§ 14(B)(1), (A)(6); Me. Admin. Order JB-06-3 (A. 3-22) (Mar. 11, 2022); Md. Code Ann., Crim. Proc. § 1-202(a)(2)(ii); N.J. Dir. 21-23, *N.J. Judiciary Language Access Plan 6* (Nov. 14, 2023); Or. Rev. Stat. Ann. §§ 45.275(1)(b), (8)(b); 42 Pa. Stat. and Cons. Stat. Ann. § 4412(a); 8 R.I. Gen. Laws Ann. § 8-19-3(a); S.C. Code Ann. § 17-1-50(B)(1); Utah R. Jud. Admin. R. 3-306.04(1)(A); Vt. R. Crim. P. 28; Va. Code Ann. § 19.2-164; see also, e.g., Ariz. St. Maricopa Super. Ct. R. 10.5(b).

<sup>22</sup> See, e.g., 725 Ill. Comp. Stat. Ann. 140/4; Ohio Rev. Code Ann. § 2930.041(A).

<sup>23</sup> See, e.g., 725 Ill. Comp. Stat. Ann. 120/4.5(b)(7); Wis. Stat. Ann. §§ 885.38(3)(a)(3), (1)(b)(2).

<sup>24</sup> See, e.g., Md. Code Ann., Cts. & Jud. Proc. § 9-114(a)(1).

<sup>25</sup> See, e.g., Ky. Admin. P. IX, § 4(1)(a); La. Sup. Ct. Gen. Admin. R. Pt. G. §§ 14(B)(1), (A)(6); Me. Rev. Stat. Ann. tit. 5, § 48-A(2); Me. Admin. Order JB-06-3 (A. 3-22) (Mar. 11, 2022); Md. Code Ann., Crim. Proc. § 1-202(a)(2)(i); Md. Code Ann., Cts. & Jud. Proc. § 9-411(a)(1); N.J. Dir. 21-23, *N.J. Judiciary Language Access Plan*, Standard 2.2 (Nov. 14, 2023); N.Y. Judiciary Law §§ 390(1), (2)(a); Or. Rev. Stat. Ann. §§ 45.285(3), (1)(c); Vt. R. Crim. P. 28; Va. Code Ann. § 19.2-164.1.

<sup>26</sup> See, e.g., Ky. Admin. P. IX, § 4(1)(c); Or. Rev. Stat. Ann. §§ 45.285(3), (1)(c); Vt. R. Crim. P. 28; Wis. Stat. Ann. §§ 885.38(3)(a)(3), (1)(b)(2).

<sup>27</sup> See, e.g., Ohio Rev. Stat. § 2930.041(C); see also, e.g., Fla. Stat. Ann. § 960.001(1)(n) (emphasis added) (directing various agencies to develop guidelines to implement victims’ constitutional rights and achieve objectives that include providing victims with “translator services in attending court, as is practicable”).

<sup>28</sup> See, e.g., Idaho Ct. R. Admin. 52(e)(1) (eff. July 1, 2024); 42 Pa. Stat. and Cons. Stat. Ann. § 4412(a); Va. Code Ann. § 19.2-164; Wis. Stat. Ann. § 885.38(3)(a)(3).

<sup>29</sup> For additional jurisdiction-specific analysis on this topic, please contact NCVLI for [technical assistance](#).

<sup>30</sup> See, e.g., Utah R. Jud. Admin. R. 3-306.04(1)(A).

<sup>31</sup> See, e.g., Md. Code Ann., Crim. Proc. § 1-202(a)(2).

<sup>32</sup> See, e.g., Md. Code Ann., Crim. Proc. § 1-202(b); Ohio Rev. Code Ann. § 2930.041(A)(1); Va. Code Ann. § 19.2-164.

<sup>33</sup> See, e.g., Fed. R. Crim. P. 28 (“The court may select, appoint, and set the reasonable compensation for an interpreter, including an interpreter for the victim. The compensation must be paid from funds provided by law or by the government, as the court may direct.”); Ala. Code § 15-1-3(a)(1) (“If at any stage of a criminal proceeding, protection from abuse proceeding, or juvenile court proceeding or during the juvenile court intake process conducted pursuant to Sections 12-15-118 and 12-15-120 and Rule 12 of the Alabama Rules of Juvenile Procedure, the . . . complainant . . . informs the court that he or she does not speak or adequately understand the English language, the court may appoint an interpreter.”); Wyo. Jud. Branch, *Spoken Language Interpreter Policy* § III(C)(1) (2022), <https://www.courts.state.wy.us/wp-content/uploads/2023/06/Spoken-Language-Interpreter-Policy-November-2022.pdf> (providing that courts may pay for language interpretation services for victims during certain criminal court proceedings).

<sup>34</sup> See *infra* notes 70–71.

<sup>35</sup> See generally Nat’l Crime Victim Law Inst. (NCVLI), *Ten Common Victims’ Rights* 3 & nn. 24–26 (2023), [https://ncvli.org/wp-content/uploads/2024/02/Common-Victims-Rights\\_final.pdf](https://ncvli.org/wp-content/uploads/2024/02/Common-Victims-Rights_final.pdf) [hereinafter, *NCVLI Ten Common Victims’ Rights*] (providing an overview of victims’ rights to be treated with fairness, dignity, respect, and privacy and supporting citations of examples of the rights in federal and state law).

<sup>36</sup> See *United States v. Heaton*, 458 F. Supp. 2d 1271, 1272 (D. Utah 2006) (internal footnote omitted) (“To treat a person with ‘fairness’ is generally understood as treating them ‘justly’ and ‘equitably.’”); Mary Margaret Giannini, *The Procreative Power of Dignity: Dignity’s Evolution in the Victims’ Rights Movement*, 9 Drexel L. Rev. 43, 66–67 (2016) (discussing victims’ right to “dignity” in victims’ rights laws and concluding that “[c]ommon . . . throughout all the laws is the notion that dignity furthers the Kantian edict of honoring individuals and limiting the treatment of victims as a means to an end”); see also Nat’l Crime Victim Law Inst. (NCVLI), *Polyvictims: Victims’ Rights Enforcement as a Tool to Mitigate “Secondary Victimization” in the Criminal Justice System*, NCVLI Victim Law Bulletin 1–2 (2013), <http://law.lclark.edu/live/files/13798-polyvictims-victims-rights-enforcement-as-a-tool> (detailing the harms victims may suffer as a result of their interactions with the criminal justice system).

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<sup>37</sup> See generally ABA Standing Committee on Legal Aid and Indigent Defendants, *ABA Standards for Language Access in Courts* 20 (2012), [https://www.americanbar.org/content/dam/aba/administrative/legal\\_aid\\_indigent\\_defendants/ls\\_sclaid\\_standards\\_f\\_or\\_language\\_access\\_proposal.pdf](https://www.americanbar.org/content/dam/aba/administrative/legal_aid_indigent_defendants/ls_sclaid_standards_f_or_language_access_proposal.pdf) (“The fundamental principle of fairness requires that individuals who are LEP have access to court services in a language they understand and to the same extent as their English-speaking counterparts. . . . Language access services do not give LEP persons any advantage over English speakers; they are simply necessary to achieve a fair process in which LEP persons are placed on an equal footing.”); Nat’l Ctr. for State Courts, *Called to Action: Five Years of Improving Language Access in State Courts* 6 (2017), [https://www.ncsc.org/\\_data/assets/pdf\\_file/0027/15858/language-access-called-to-action.pdf](https://www.ncsc.org/_data/assets/pdf_file/0027/15858/language-access-called-to-action.pdf) (“Equal justice for all has long been one of the fundamental rights our country has believed in and has been built upon. However, when language barriers disrupt the process of justice and prevent communication, we lose the basic values of our justice system. To maintain these values, every litigant, victim, and witness must comprehend what is happening in the courtroom.”); see also Vanita Gupta, *Introductory Letter Dated Sept. 15, 2016, DOJ Language Access in State Courts*, *supra* note 6 (emphasis added) (recognizing that barriers to language access can create “unfair and unconstitutional burdens on individuals—from litigants, to criminal defendants, to victims and witnesses—who participate in court proceedings or seek assistance from court programs and services”); N.J. Dir. 21-23, *N.J. Judiciary Language Access Plan*, Standard 1.1 cmt. (Nov. 14, 2023) (“A basic tenet of justice is equal access. If a court user’s ability to understand the proceeding is compromised by a language barrier, there can be no equal access. . . . Where an individual who is LEP needs an interpreter to understand and fully participate in the justice process, a qualified interpreter shall be assigned.”).

<sup>38</sup> See generally Marjory A. Bancroft et al., *Breaking Silence: Interpreting for Victim Services, A Training Manual* (Ayuda, Washington, D.C.) (2016), <https://ayuda.com/wp-content/uploads/2017/06/Breaking-Silence-Training-Manual-1.pdf> (discussing best practices for interpreting for victims of violent crime, with a focus on interpreting for victims of domestic violence, sexual assault, and child abuse and key service areas, including in court interpretation).

<sup>39</sup> See 150 Cong. Rec. S10911 (daily ed. Oct. 9, 2004) (statement of Sen. Kyl) (observing that right to fair treatment under the Crime Victims’ Rights Act (CVRA), 18 U.S.C. § 3771, is a substantive right that it is intended to direct courts, among others, “to treat victims of crime with the respect they deserve and to afford them due process”).

<sup>40</sup> See, e.g., Ariz. Const. art. II, § 2.1(A); Cal. Const. art. I, § 28(b); Colo. Rev. Stat. Ann. § 24-4.1-302.5(1); Fla. Const. art. I, § 16(b)(1); Ohio Const. art. I, § 10a(A); S.C. Const. art. I, § 24(A); Tenn. Const. art. I, § 35; Utah Const. art. I, § 28(1).

<sup>41</sup> See *Tennessee v. Lane*, 541 U.S. 509, 532 (2004) (citation omitted) (recognizing “the well-established due process principle that, ‘within the limits of practicability, a State must afford to all individuals a meaningful opportunity to be heard’ in its courts”); *Fuentes v. Shevin*, 407 U.S. 67, 80 (1972) (internal quotation marks and citations omitted) (observing that “the central meaning of procedural due process” is that “[p]arties whose rights are to be affected are entitled to be heard; and, in order that they may enjoy that right, they must first be notified” and that “[i]t is equally fundamental that the right to notice and an opportunity to be heard ‘must be granted at a meaningful time and in a meaningful manner’”).

<sup>42</sup> See Laura K. Abel, *Language Access in the Federal Courts*, 61 Drake L. Rev. 593, 602 (2013) (“The ability to understand the proceedings and to communicate with the judge and counsel are necessary for meaningful participation [for the purposes of due process].”); Myasar Ihmud, *Lost in Translation: Language Barriers to Accessing Justice in the American Court System*, 56 U.I.C. L. Rev. 669, 670 (2023) (“Justice is difficult to attain when someone finds themselves in proceedings where their rights are at issue, and that attainment is substantially threatened when a language barrier is also in the courtroom.”).

<sup>43</sup> See Alaska R. Admin. 6(a) (emphasis added) (stating that an administrative rule governing the appointment of interpreters for LEP individuals in court “shall be liberally construed and applied to promote meaningful participation in court proceedings, consistent with due process, by persons with limited English proficiency”); Fla. Twentieth Jud. Cir. Admin. Order 2.36(A)(1) (emphasis added) (“The Administrative Office of the Courts interprets the *due process intent* of providing spoken language Court Interpreters at public expense in the above-identified proceedings to defendants, accused juveniles and other litigants to also include providing Court Interpreters at public expense during those same above-identified proceedings, as may be appropriate or ordered by the Court, for . . . victims who may be non-English-speaking or limited-English-proficient.”).

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<sup>44</sup> Courts have found when a criminal defendant does not understand or speak English well enough to adequately comprehend or communicate in court proceedings, their constitutional rights to fundamental fairness and due process require the appointment of an interpreter. See, e.g., *United States v. Cirrincione*, 780 F.2d 620, 634 (7th Cir. 1985) (holding “that a defendant in a criminal proceeding is denied due process when: (1) what is told him is incomprehensible; (2) the accuracy and scope of a translation at a hearing or trial is subject to grave doubt; (3) the nature of the proceeding is not explained to him in a manner designed to insure his full comprehension; or (4) a credible claim of incapacity to understand due to language difficulty is made and the district court fails to review the evidence and make appropriate findings of fact”); *Nazarova v. I.N.S.*, 171 F.3d 478, 484 (7th Cir. 1999) (finding a non-English speaking individual “has a due process right to an interpreter at [their] deportation hearing because, absent an interpreter, a non-English speaker’s ability to participate in the hearing and [their] due process right to a meaningful opportunity to be heard are essentially meaningless”); *Giraldo-Rincon v. Dugger*, 707 F. Supp. 504, 507 (M.D. Fla. 1989) (internal citation omitted) (adopting the report and recommendation of the federal magistrate judge and concluding that the state “trial judge’s refusal and failure to inquire into [defendant’s] need for and ability to pay for an interpreter violated his Sixth Amendment right to confrontation and his right to due process of law. Regardless of any probability of guilt, the [defendant’s] trial ‘lacked the fundamental fairness required by the due process clause.’”); *State v. Selalla*, 744 N.W.2d 802, 808 (S.D. 2008) (“[A] criminal defendant’s ability, or lack thereof, to understand the English language and the ruling of the trial court, as to whether an interpreter should be provided for the defendant, implicates the constitutional rights of due process, confrontation of witnesses, and effective assistance of counsel.”); *Tolentino v. State*, --- S.W.3d ---, No. 01-22-00442-CR, 2024 WL 86413, at \*1 (Tex. App. Jan. 9, 2024) (“If a defendant cannot understand the proceedings, fundamental fairness and due process require that the court provide an interpreter.” (citing *Linton v. State*, 275 S.W.3d 493, 500 (Tex. Crim. App. 2009))).  
<sup>45</sup> See *NCVLI Ten Common Victims’ Rights*, *supra* note 35, at 4–5 & nn.53–54 (explaining that the federal government and a vast majority of states provide victims with the right to be present at trial and/or other proceedings at which their rights and interests are implicated).

<sup>46</sup> See *id.* at 5–6 & nn.61–77 (describing federal and state rights to be heard and the different ways by which victims may exercise them).

<sup>47</sup> *Id.* at 5 & n.70.

<sup>48</sup> See Paul G. Cassell, *Balancing the Scales of Justice: The Case for and the Effects of Utah’s Victims’ Rights Amendment*, 1994 Utah L. Rev. 1373, 1391 (1994) (discussing victims’ right to be present and observing that “[v]ictims deserve the right to attend, to hear, and consequently to understand the decision-making process”).

<sup>49</sup> Courts have found when a criminal defendant has LEP or is D/HoH, an interpreter is a necessary component of the defendant’s right to be present at court proceedings. See, e.g., *United States ex rel. Negron v. New York*, 434 F.2d 386, 389 (2d Cir. 1970) (internal citations omitted) (“It is . . . imperative that every criminal defendant—if the right to be present is to have meaning—possess ‘sufficient present ability to consult with his lawyer with a reasonable degree of rational understanding.’”); *United States v. Mosquera*, 816 F. Supp. 168, 172 (E.D.N.Y. 1993) (stating that criminal defendants have a constitutional right to be present at trial and that “[t]o be ‘present’ implies more than being physically present” and that “[i]t assumes that a defendant will be informed about the proceedings so he can assist in his own defense”); *People v. Aguilar*, 170 N.E.3d 183, 193 (Ill. Ct. App. 2020) (“The right of a defendant to be present would ring hollow if a defendant who neither speaks nor understands English is not assisted by an interpreter.”).

<sup>50</sup> See also *DOJ Language Access in State Courts*, *supra* note 6, at 5 (“Without appropriate language assistance services and clear procedures for court staff to follow outside the courtroom, LEP persons may not be able to take the steps necessary to initiate or participate in state court proceedings as parties or witnesses.”).

<sup>51</sup> Additionally, the translation of written materials may also be necessary in some instances to afford LEP and D/HoH victims with meaningful access to information about scheduled court proceedings so that they may exercise their rights to be present and heard at such proceedings.

<sup>52</sup> See, e.g., *Chappell v. Rich*, 340 F.3d 1279, 1282 (11th Cir. 2003); *Swekel v. City of River Rouge*, 119 F.3d 1259, 1261–62 (6th Cir. 1997). State constitutions may also guarantee individuals this right. See, e.g., *Jersey v. John Muir Med. Ctr.*, 118 Cal. Rptr. 2d 807, 812 (Cal. App. Ct. 2002) (“Access to the courts is indeed a right guaranteed to all persons by the federal and state constitutions.”).

<sup>53</sup> See *supra* Part II.A.

<sup>54</sup> See generally *Translating Justice*, *supra* note 5, at 4–5 (internal footnotes omitted) (“Language barriers, combined with a limited understanding of the U.S. criminal justice system, prevent many individuals from approaching police for assistance or to report victimization. . . Underreporting of victimization to law enforcement

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means that victims are not able to fully access the justice options and services they need.”); *id.* at 6 (“There are unique language access challenges for Deaf victims because qualified American Sign Language (ASL) interpreters are rarely used to facilitate communication between Deaf victims and law enforcement. More commonly, Deaf victims are forced to use ad hoc and often ineffective communication measures that present their own challenges: writing notes back and forth requires a level of fluency in and comfort with written English that many Deaf victims do not possess; speech or lip reading is difficult for most Deaf victims, imprecise, and can lead to confusion; and family members acting as interpreters present problems, especially since they often lack the skills, fluency, and objectivity to interpret the information being conveyed accurately. These ad hoc measures lead to miscommunication, missed information, and frustration in any circumstance, but they prove quite problematic in the context of domestic and sexual violence.”); *cf.* Nancy K. D. Lemon, *Access to Justice: Can Domestic Violence Courts Better Address the Needs of Non-English Speaking Victims of Domestic Violence?*, 21 Berkeley J. Gender, L. & Just 38, 44–59 (examining the need for free interpreters in civil domestic violence cases and arguing that jurisdictions that do not provide that service are denying domestic violence victims access to courts).

<sup>55</sup> See generally *ABA Standards for Language Access in Courts*, *supra* note 37, at 20 (“In order for a court system to be open and accessible to individuals who are not proficient in English, language access services, through the use of qualified interpreters and translated materials, are vital.”); see *Oberheim*, 25 Wm. & Mary J. Race, Gender & Soc. Just. at 165 (citation omitted) (“Denial of reasonable courtroom accommodations for the d/Deaf and consequent communication barriers are ‘tantamount to denial of access to the courts,’ and they explain why many d/Deaf victims of sexual assault are unable to secure legal recourse against their perpetrators”).

<sup>56</sup> See *DOJ Language Access in State Courts*, *supra* note 6, at 7 (internal footnotes omitted) (“An LEP person who must pay for an interpreter to participate in proceedings bears a greater financial burden to pursue a case than individuals who are not LEP. Charging for language access services may also discourage LEP individuals from using interpreters, and encourage them to try to struggle through their court appearances without understanding or being able to communicate with the court.”); see also *Caballero v. Seventh Jud. Dist. Ct. ex rel. Cnty. of White Pine*, 167 P.3d 415, 416 (Nev. 2007) (en banc) (recognizing “whether a non-English speaking litigant is entitled to have a volunteer interpreter appointed to assist him or her in a justice court small claims proceeding” as “an important issue regarding access to justice”).

<sup>57</sup> See generally *ABA Standards for Language Access in Courts*, *supra* note 37, at 20 (“The principle of access to justice supports the provision of language access services in all court settings, including legal proceedings and services outside the courtroom.”).

<sup>58</sup> See, e.g., United State Courts, *Guide to Judiciary Policy: Code of Conduct for United States Judges*, Vol. 2A, Ch. 2, Canon 3(A)(4), <https://www.uscourts.gov/judges-judgeships/code-conduct-united-states-judges#d>; Cal. St. Jud. Ethics Canon 3(B)(7); N.J. Jud. Ethics Canon 3.7.

<sup>59</sup> See, e.g., 18 U.S.C. § 3771(b)(1) (“In any court proceeding involving an offense against a crime victim, the court shall ensure that the crime victim is afforded the rights described in [18 U.S.C. § 3771(a)].”); Colo. Rev. Stat. Ann. § 24-4.1-303(1) (“[J]udicial agencies . . . shall ensure that victims of crimes are afforded the rights described in section 24-4.1-302.5.”); Wash. Rev. Code Ann. § 7.69.010 (providing that judges must honor and protect victims’ rights “in a manner no less vigorous than the protections afforded criminal defendants”).

<sup>60</sup> See *United States v. Turner*, 367 F. Supp. 2d 319, 323 (E.D.N.Y. 2005) (noting that the CVRA mandates that courts must “ensure that the crime victim is afforded the [enumerated] rights,” which requires courts to do “something more than merely ruling on applications for relief made pursuant to subsection (d)(3)”). *Cf.* N.J. Dir. 21-23, *N.J. Judiciary Language Access Plan*, Standard 1.1. cmt. (“A basic tenet of justice is equal access. If a court user’s ability to understand the proceeding is compromised by a language barrier, there can be no equal access. The New Jersey Code of Judicial Conduct requires that judges ensure that every person legally interested in a proceeding is afforded the full right to be heard. Canon 3[.7]. Where an individual who is LEP needs an interpreter to understand and fully participate in the justice process, a qualified interpreter shall be assigned.”).

<sup>61</sup> Pub. L. 88-352, 42 U.S.C. § 2000d *et seq.*

<sup>62</sup> Exec. Order No. 13166, 65 Fed. Reg. 50,121 (Aug. 16, 2000).

<sup>63</sup> *Department of Justice Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons*, 67 Fed. Reg. 41,455-01 (June 18, 2002).

<sup>64</sup> *Id.* at 41,471 (stating that court recipients of financial assistance from DOJ should, “[a]t a minimum, [take] every effort . . . to ensure competent interpretation for LEP individuals during all hearings, trials, and motions during which the LEP individual must and/or may be present.”); Letter from Assistant Attorney General Thomas Perez to



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Chief Justices and State Court Administrators 1 (Aug. 2010) [hereinafter, *DOJ Guidance Letter*], <https://www.justice.gov/crt/file/1052851/dl?inline=> (“Dispensing justice fairly, efficiently, and accurately is a cornerstone of the judiciary. Policies and practices that deny LEP persons meaningful access to the courts undermine that cornerstone. They may also place state courts in violation of long-standing civil rights requirements.”).

<sup>65</sup> *DOJ Guidance Letter*, *supra* note 64, at 2; *see also DOJ Language Access in State Courts*, *supra* note 6, at 4 (reaffirming DOJ’s Sixteen “commitment to ensuring that LEP individuals can participate meaningfully in federally funded programs and activities” and stating that “[c]omprehensive language assistance services in state courts are critical for LEP court users and a priority for the Civil Rights Division.”).

<sup>66</sup> *See* U.S. Dep’t of Just., Civil R. Div., *Ensuring Language Access in the Courts* 1 (Oct. 2023),

[https://www.lep.gov/sites/lep/files/media/document/2023-](https://www.lep.gov/sites/lep/files/media/document/2023-10/Courts%20Language%20Access%20Fact%20Sheet.Final_0.pdf)

[10/Courts%20Language%20Access%20Fact%20Sheet.Final\\_0.pdf](https://www.lep.gov/sites/lep/files/media/document/2023-10/Courts%20Language%20Access%20Fact%20Sheet.Final_0.pdf) (internal citations omitted) (“Title VI of the Civil Rights Act of 1964 and its regulations prohibit race, color, and national origin discrimination against any person in the United States by a program or activity receiving federal financial assistance. . . . To meet their obligations, state court recipients of federal funds must, for instance, provide appropriate language assistance services to individuals with limited English proficiency (LEP). Such assistance includes, but is not limited to, ensuring that court users with LEP have adequate interpretation and translation services provided at no cost during hearings and trials, as well as in court operations.”).

<sup>67</sup> 42 USC § 12132; *see* 42 USC § 12131(1)(B) (defining “public entity” to include “any department, agency, . . . or other instrumentality of a State”).

<sup>68</sup> 28 C.F.R. §§ 35.104, 35.160(b).

<sup>69</sup> *See generally* Nat’l Ctr. for State Courts, *Language Access Programs by State*, <https://www.ncsc.org/consulting-and-research/areas-of-expertise/language-access/resources-for-program-managers/lap-map/map> (providing details about and links to each state’s language access program, interpreter code of ethics, and/or other state-specific information related to language access); *DOJ Language Access in State Courts*, *supra* note 6, at 15 (noting that, as of 2015, “78% of state courts had a statute, rule, or other policy in place that requires courts to provide interpreters for all criminal and civil court proceedings”).

<sup>70</sup> *See, e.g.*, Mass. Gen. Laws Ann. ch. 221C, § 2 (“A non-English speaker, throughout a legal proceeding, shall have a right to the assistance of a qualified interpreter who shall be appointed by the judge, unless the judge finds that no qualified interpreter of the non-English speaker’s language is reasonably available, in which event the non-English speaker shall have the right to a certified interpreter, who shall be appointed by the judge. The court shall report to the coordinator of interpreter services every instance in which a qualified interpreter was found not to be reasonably available.”).

<sup>71</sup> *See, e.g.*, Ark. Code Ann. § 16-10-1103(a); Cal. Evid. Code § 752(a); Cal. Evid. Code § 754(b); D.C. Code Ann. § 2-1902(a); Iowa Code Ann. § 622A.2(1); Kan. Stat. Ann. § 75-4351(b); Ga. Code Ann. § 24-6-654(a); Minn. Stat. Ann. § 611.30; N.C. Gen. Stat. Ann. § 8B-2(a); Tex. Code Crim. Proc. Ann. art. 38.30(a); Utah Code Ann. § 78B-1-202(1); Wash. Rev. Code Ann. § 2.42.120(1).

<sup>72</sup> *See* 42 U.S.C. § 12131(1)(A)–(B) (defining “public entity” for the purposes of the ADA prohibition against discrimination by a public entity as “any State or local government” or “any department, agency, special purpose district, or other instrumentality of a State of States or local governments”); *Cellular Phone Taskforce v. FCC*, 217 F.3d 72, 73 (2d Cir. 2000) (*per curiam*) (observing that “Title II of the ADA is not applicable to the federal government”); U.S. Dep’t of Justice, *Questions and Answers Regarding The Title VI Language Access Guidance Letter to State Courts*, *Question 7* (Aug. 2010), <https://www.lep.gov/commonly-asked-questions> (“While Constitutional due process principles can be used in support of interpreter requirements in both federal and state courts, Title VI and implementing regulations do not apply to the federal courts because they are not recipients of federal financial assistance, being instead a branch of the federal government. Further, Executive Order 13166 also is not applicable since it applies only to the executive branch. The authority to supervise the federal courts with respect to language access resides instead with the Supreme Court and Congress.”).

<sup>73</sup> Fed. R. Crim. P. 28 (“The court may select, appoint, and set the reasonable compensation for an interpreter, including an interpreter for the victim. The compensation must be paid from funds provided by law or by the government, as the court may direct.”).

<sup>74</sup> Pub. L. 114-324, 130 Stat. 1948, § 2(c) (“Rule 28 of the Federal Rules of Criminal Procedure is amended in the first sentence by inserting before the period at the end the following: ‘, including an interpreter for the victim.’”).



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<sup>75</sup> See 162 Cong. Rec. H2957 (daily ed. May 23, 2016) (statement of Rep. Jackson Lee) (observing that the Justice for All Reauthorization Act of 2016 “requires that interpreters be available to all federal crime victims who wish to participate in a court proceeding” and amends “the Federal Rules of Criminal Procedure to give the court authority to appoint an interpreter for any victim present during proceedings”).

<sup>76</sup> See 18 U.S.C. § 3771(b)(1) (“In any court proceeding involving an offense against a crime victim, the court shall ensure that the crime victim is afforded the rights described in [18 U.S.C. § 3771(a)].”).

<sup>77</sup> Additionally, LEP or D/HoH victims are entitled to an interpreter under the Court Interpreters Act, 28 U.S.C. § 1827, when appearing in federal criminal courts in their capacity as witnesses. 28 U.S.C. § 1827(d)(1); see also *Guide to Judiciary Policy*, Vol. 5, Ch. 2, § 255(a), [https://www.uscourts.gov/sites/default/files/guide\\_vol05.pdf](https://www.uscourts.gov/sites/default/files/guide_vol05.pdf) (emphases in original) (providing that, in addition to the services required by the Court Interpreters Act, federal courts **must** provide “sign language interpreters or other auxiliary aids and services to participants in federal judicial proceedings who are deaf, hearing impaired, or have communication disabilities, and **may** provide these services to spectators when the court deems appropriate,” where § 140 of the *Guide to Judiciary Policy* defines “participants” as “[p]arties, attorneys, and witnesses of in-court or out-of-court judicial proceedings”).

## APPENDIX A

### Select State Laws, Rules, and Language Access Plans That Expressly Address Crime Victims’ Rights, in Their Capacity as “Victims,” to Interpreters/Translators During Court Proceedings

The following three charts contain the state laws, rules, and language access plans referenced in notes 22–28 of *Interpreters During Court Proceedings: A Requirement for the Meaningful Exercise of Rights and Access to Justice for Victims in Need of Language Assistance*. These provisions expressly address crime victims’ rights to interpreters/translators during court proceedings. These charts are broken down by the language access needs specifically identified in the included provisions:

- [Chart 1](#) collects provisions that expressly address interpreters/translators for victims with limited English proficiency (LEP);
- [Chart 2](#) collects provisions that expressly address interpreters/translators for victims who are D/deaf or hard of hearing (D/HoH); and
- [Chart 3](#) collects provisions that expressly address interpreters/translators for victims with disabilities.

These charts are illustrative of the range of approaches that states take to the specific topic of victims’ access to interpreters/translators in connection with court proceedings and are not intended as exhaustive analyses of all relevant laws. Practitioners are encouraged to conduct independent research of relevant case law to learn more about the provisions included below and related state practices that have not been codified.

#### Chart 1: Provisions Expressly Addressing LEP Victims’ Rights to Interpreters/Translators During Court Proceedings

State	Victims’ Right to Interpreter/Translator	Victims’ Right to be Informed of Their Right to Interpreter/Translator
AK	Alaska R. Admin. 6(b) (“The court system will provide and pay for the necessary services of an interpreter during proceedings in court for all . . . victims with limited English proficiency in all cases . . .”).	
AZ	Ariz. Jud. Branch, <i>Self-Service Center: Language Access</i> , <a href="https://www.azcourts.gov/selfservicecenter/Language-Access">https://www.azcourts.gov/selfservicecenter/Language-Access</a> (emphases added) (“The courts of Arizona are committed to providing meaningful access to court	

State	Victims' Right to Interpreter/ Translator	Victims' Right to be Informed of Their Right to Interpreter/Translator
	<p>proceedings, programs, and services to persons with limited English proficiency. In all case types, whether you are a litigant, defendant, <i>victim</i>, witness, <i>parent or guardian of a minor victim</i>, you have the right to receive the assistance of a competent court interpreter in a timely manner. <i>This assistance will be provided at all court hearings</i>, as well as at all clerks' offices, public counters, self-help centers, and other court facilities. Services may be provided in-person, over the phone or through video remote services.”).</p>	
CO	<p>Colo. Rev. Stat. Ann. § 24-4.1-303(14.5)(d) (“The court shall provide the victim or the victim’s designee with translation or interpretation services as needed during all critical stages of the hearing. The victim or the victim’s designee shall notify the district attorney within a reasonable time that the victim or the victim’s designee needs an interpreter for the critical stages of the hearing. The district attorney’s office shall inform the court that the victim or victim’s designee requests that the court arrange for translation or interpretation services.”).</p>	
CT	<p>Conn. Jud. Branch, <i>Language Access Plan 9</i> (2023), <a href="https://www.jud.ct.gov/LEP/LanguageAccessPlan.pdf">https://www.jud.ct.gov/LEP/LanguageAccessPlan.pdf</a> (“Interpreters will be provided, at no cost, for parties who are limited English proficient and other individuals who are limited English proficient, such as witnesses and</p>	

State	Victims' Right to Interpreter/ Translator	Victims' Right to be Informed of Their Right to Interpreter/Translator
	victims, whose presence or participation is appropriate to the justice process.”).	
FL	Fla. Gen. Prac. & Jud. Admin R. 2.560(a) (“In any criminal or juvenile delinquency proceeding in which . . . the victim, or the alleged victim cannot understand or has limited understanding of English, or cannot express himself or herself in English sufficiently to be understood, an interpreter shall be appointed.”).	
ID	Idaho Ct. R. Admin. 52(e)(1) (eff. July 1, 2024) (“[A]n interpreter shall be appointed when the appointing authority determines that a . . . crime victim does not communicate in or understand the English language sufficiently to permit effective participation in a court proceeding.”).	
IL		725 Ill. Comp. Stat. Ann. 120/4.5(b)(7) (“To afford crime victims their rights . . . [t]he office of the State’s Attorney . . . shall provide notice to the crime victim of the right to have a translator present at all court proceedings and, in compliance with the federal Americans with Disabilities Act of 1990, the right to communications access through a sign language interpreter or by other means[.]”).
KY	Ky. Admin. P. IX, § 4(1)(b) (requiring courts to provide language access services to, <i>inter alia</i> , a “non-party” with LEP, where Ky. Admin. P. IX,	

State	Victims' Right to Interpreter/ Translator	Victims' Right to be Informed of Their Right to Interpreter/Translator
	§ 2(22)(a) defines “non-party” to include crime victims).	
LA	La. Sup. Ct. Gen. Admin. R. Pt. G. §§ 4(B)(1), (A)(6) (stating that “[u]pon the determination that a party in interest is a limited English proficient . . . individual, a judge shall appoint a qualified court interpreter, whether in-person or virtual, to interpret court proceedings” and defining “party in interest” to include crime victims).	
ME	Me. Admin. Order JB-06-3 (A. 3-22) (Mar. 11, 2022) (stating that “Maine’s State Courts will . . . provide all LEP individuals who are victims, or who are parents of minors who are victims, with an interpreter when they are addressing the court during court events or proceedings authorized by the presiding judge or justice” and defining “LEP” as persons with “limited English proficiency,” which “refers to the inability to adequately understand or communicate effectively in English in a court proceeding” and “applies to individuals whose primary language is a language other than English and whose ability to speak English is not at the level of comprehension and expression needed to participate effectively in court transactions and proceedings, including individuals whose primary language is American Sign Language,” while noting that “interpretation and/or translation services for LEP individuals whose primary language is American Sign Language are primary governed by 5. M.R.S. § 48-A, and then by the	



State	Victims' Right to Interpreter/ Translator	Victims' Right to be Informed of Their Right to Interpreter/Translator
	requirements of this Administrative Order”).	
MD	Md. Code Ann., Crim. Proc. § 1-202(a)(2)(ii) (“On application of a victim or victim’s representative, as defined in § 11-104(a) of this article, the court shall appoint a qualified interpreter to help the victim or the victim’s representative throughout any criminal proceeding when the victim or the victim’s representative: . . . cannot readily understand or communicate the English language.”); Md. Code Ann., Cts. & Jud. Proc. § 9-114(a)(1) (“If . . . a victim or victim’s representative, as defined in § 11-104(a) of the Criminal Procedure Article, . . . cannot readily understand or communicate the spoken English language, . . . a victim or victim’s representative may apply to the court for the appointment of a qualified interpreter to assist that person.”).	
NJ	N.J. Dir. 21-23, <i>N.J. Judiciary Language Access Plan</i> 6 (Nov. 14, 2023) (internal footnotes omitted) (“The New Jersey Judiciary is committed to ensuring equal access to the courts by providing free and qualified language access services to all court users who are Limited English Proficient (LEP) or who are deaf or hard of hearing, . . . [including] crime victims.”).	
OH	Ohio Rev. Code Ann. § 2930.041(B)(1)(a) (affording non-English speaking victims and victims with limited English proficiency “the	

State	Victims' Right to Interpreter/ Translator	Victims' Right to be Informed of Their Right to Interpreter/Translator
	right to a certified, provisional, registered, or language-skilled foreign language interpreter at . . . [c]ourt proceedings”).	
OR	Or. Rev. Stat. Ann. §§ 45.275(1)(b), (8)(b) (requiring that courts “appoint a qualified interpreter in a criminal proceeding whenever it is necessary to interpret the proceedings to a non-English-speaking victim who seeks to exercise in open court a right that is granted by Article I, section 42 or 43, of the Oregon Constitution, including the right to be present at a critical stage of the proceeding” and defining “non-English-speaking person” to mean “a person who, by reason of place of birth or culture, speaks a language other than English and does not speak English with adequate ability to communicate effectively in the proceedings”).	
PA	42 Pa. Stat. and Cons. Stat. Ann. § 4412(a) (“Upon request or sua sponte, if the presiding judicial officer determines that a principal party in interest . . . has a limited ability to speak or understand English, then a certified interpreter shall be appointed, unless the certified interpreter is unavailable as provided in subsection (b),” where the term “principal party in interest” is defined by 42 Pa. Stat. and Cons. Stat. Ann. § 4402 to include crime victims in a criminal proceeding).	
RI	8 R.I. Gen. Laws Ann. § 8-19-3(a) (“When a limited-English-proficient person is . . . an alleged victim in a	

State	Victims' Right to Interpreter/ Translator	Victims' Right to be Informed of Their Right to Interpreter/Translator
	criminal proceeding, the appointing authority shall appoint a certified interpreter to assist such person during the legal proceeding.”).	
SC	S.C. Code Ann. § 17-1-50(B)(1) (“Notwithstanding any other provision of law, whenever a . . . victim in a criminal legal proceeding does not sufficiently understand or speak the English language to comprehend the proceeding or to testify, the court must appoint a certified or otherwise qualified interpreter to interpret the proceedings to the . . . victim [.]”).	
UT	Utah R. Jud. Admin. R. 3-306.04(1)(A) (“Except as provided in paragraphs (1)(B), (1)(C) and (1)(D), if the appointing authority determines that a . . . victim . . . has a primary language other than English and limited English proficiency, the appointing authority shall appoint a certified interpreter in all legal proceedings. A person requesting an interpreter is presumed to be a person of limited English proficiency.”).	
VT	Vt. R. Crim. P. 28 (providing that “[t]he court must provide competent interpreter services when such services are necessary to ensure meaningful access to all court proceedings and court-managed functions in or related to criminal actions for a[n] . . . other person whose presence or participation is necessary or appropriate and who is a person with limited English proficiency,” where the 2017 Editor’s Notes provide that the term “other person” in Vt. R. Crim. P. 28	

State	Victims' Right to Interpreter/ Translator	Victims' Right to be Informed of Their Right to Interpreter/Translator
	includes “a victim of a criminal offense, not only in the capacity of a witness, but victims and those with derivative rights exercising specified rights of participation pursuant to 13 V.S.A. chapter 165”).	
VA	Va. Code Ann. § 19.2-164 (“In any criminal case in which a non-English-speaking person is a victim . . . , an interpreter shall be appointed by the judge of the court in which the case is to be heard unless the court finds that the person does not require the services of a court-appointed interpreter.”).	Va. Code Ann. § 19.2-11.01(A)(5)(b) (affording victims the right to be advised of their statutory rights to the services of an interpreter in court proceedings, in accordance with, <i>inter alia</i> , Va. Code Ann. § 19.2-164).
WI		Wis. Stat. Ann. §§ 885.38(3)(a)(3), (1)(b)(1) (“If the court determines that the person has limited English proficiency and that an interpreter is necessary, the court shall advise the person that he or she has the right to a qualified interpreter at the public’s expense if the person is . . . [a]n alleged victim, as defined in s. 950.02(4),” where “[l]imited english proficiency” means, <i>inter alia</i> , “[t]he inability, because of the use of a language other than English, to adequately understand or communicate effectively in English in a court proceeding”).

**Chart 2: Provisions Expressly Addressing D/HoH Victims' Rights to Interpreters/Translators During Court Proceedings**

State	Victims' Right to Interpreter/Translator	Victims' Right to be Informed of Their Right to Interpreter/Translator
IL	725 Ill. Comp. Stat. Ann. 140/4 (“The right to a qualified court-appointed sign language interpreter as provided in this Act shall be afforded to persons with disabilities who are victims of . . . a violation of any penal statute of this State.”).	725 Ill. Comp. Stat. Ann. 120/4.5(b)(7) (“To afford crime victims their rights . . . [t]he office of the State’s Attorney . . . shall provide notice to the crime victim of the right to have a translator present at all court proceedings and, in compliance with the federal Americans with Disabilities Act of 1990, the right to communications access through a sign language interpreter or by other means[.]”).
KY	Ky. Admin. P. IX, § 4(1)(a) (requiring courts to provide language access services to, <i>inter alia</i> , a “non-party” who is D/HoH, where Ky. Admin. P. IX, § 2(22)(a) defines “non-party” to include crime victims).	
LA	La. Sup. Ct. Gen. Admin. R. Pt. G. §§ 14(B)(1), (A)(6) (stating that “[u]pon the determination that a party in interest is a . . . deaf individual, a judge shall appoint a qualified court interpreter, whether in-person or virtual, to interpret court proceedings” and defining “party in interest” to include crime victims).	
ME	Me. Rev. Stat. Ann. tit. 5, § 48-A(2) (“When any personal or property interest of a deaf person, hard-of-hearing person or late-deafened person . . . is the subject of a proceeding before any agency or court, the presiding officer of the proceeding shall appoint a qualified legal interpreter or CART provider.”); Me. Admin. Order JB-06-3 (A. 3-22)	



State	Victims' Right to Interpreter/Translator	Victims' Right to be Informed of Their Right to Interpreter/Translator
	<p>(Mar. 11, 2022) (stating that “Maine’s State Courts will . . . provide all LEP individuals who are victims, or who are parents of minors who are victims, with an interpreter when they are addressing the court during court events or proceedings authorized by the presiding judge or justice” and defining “LEP” victims to include individuals whose primary language is American Sign Language, while noting that “interpretation and/or translation services for LEP individuals whose primary language is American Sign Language are primarily governed by 5. M.R.S. § 48-A, and then by the requirements of this Administrative Order”).</p>	
MD	<p>Md. Code Ann., Crim. Proc. § 1-202(a)(2)(i) (“On application of a victim or victim’s representative, as defined in § 11-104(a) of this article, the court shall appoint a qualified interpreter to help the victim or the victim’s representative throughout any criminal proceeding when the victim or the victim’s representative . . . is deaf[.]”); Md. Code Ann., Cts. &amp; Jud. Proc. § 9-114(a)(1) (“If . . . a victim or victim’s representative, as defined in § 11-104(a) of the Criminal Procedure Article, is deaf or cannot readily understand or communicate the spoken English language, . . . a victim or victim’s representative may apply to the court for the appointment of a qualified interpreter to assist that person.”).</p>	

State	Victims' Right to Interpreter/Translator	Victims' Right to be Informed of Their Right to Interpreter/Translator
NJ	N.J. Dir. 21-23, <i>N.J. Judiciary Language Access Plan</i> , Standard 2.2 (Nov. 14, 2023) (“The Judiciary shall assign a sign language interpreter or provide other accommodations for all [court] events described in Standard 1.2. ASL interpreters or other accommodations shall also be provided for . . . victims[.]”).	
NY	N.Y. Judiciary Law §§ 390(1), (2)(a) (providing, <i>inter alia</i> , that “[i]n any criminal action in a state-funded court, the court shall . . . appoint . . . an interpreter to interpret the proceedings to a deaf or hard of hearing person who is the victim of the crime or may appoint such interpreter for the deaf or hard of hearing members of the immediate family (parent or spouse) of a victim of the crime when specifically requested to do so by such victim or family member” and that “[n]otwithstanding the provisions of subdivision one of this section, a court may, upon request of a deaf or hard of hearing person or upon its own motion, and in lieu of appointing an interpreter as otherwise required in such subdivision one, provide an assistive listening device, a stenographer who can furnish communication access real-time translation or any other appropriate auxiliary aid or service”).	
OH	Ohio Rev. Code Ann. § 2930.041(A) (“Pursuant to the ‘Americans with Disabilities Act of 1990,’ 104 Stat. 327, 42 U.S.C. 12101, as amended, a victim with a disability has the right to a registered or certified American sign	

State	Victims' Right to Interpreter/Translator	Victims' Right to be Informed of Their Right to Interpreter/Translator
	<p>language interpreter on the registry for interpreters for the deaf at all court proceedings . . . at no cost to the victim.”).</p>	
OR	<p>Or. Rev. Stat. Ann. §§ 45.285(3), (1)(c) (providing that “[i]n any criminal proceeding, the court shall appoint a qualified interpreter and make available appropriate assistive communication devices whenever it is necessary to interpret the proceedings to a victim who is a person with a disability and who seeks to exercise in open court a right that is granted by Article I, section 42 or 43, of the Oregon Constitution, including the right to be present at a critical stage of the proceeding” and defining “person with a disability” to mean “a person who cannot readily understand the proceedings because of deafness or a physical hearing impairment, or cannot communicate in the proceedings because of a physical speaking impairment”).</p>	
VT	<p>Vt. R. Crim. P. 28 (providing that “[t]he court must provide competent interpreter services when such services are necessary to ensure meaningful access to all court proceedings and court-managed functions in or related to criminal actions for a[n] . . . other person whose presence or participation is necessary or appropriate and who is a person with . . . hearing impairment . . . which results in the need for interpreter services, where the 2017 Editor’s Notes provide that the term “other person” in Vt. R. Crim. P. 28 includes “a victim of a criminal offense,</p>	

State	Victims' Right to Interpreter/Translator	Victims' Right to be Informed of Their Right to Interpreter/Translator
	not only in the capacity of a witness, but victims and those with derivative rights exercising specified rights of participation pursuant to 13 V.S.A. chapter 165”).	
VA	Va. Code Ann. § 19.2-164.1 (“In any criminal case in which a deaf person is the victim . . . , an interpreter for the deaf person shall be appointed by the court in which the case is to be heard unless the court finds that the deaf person does not require the services of a court-appointed interpreter and the deaf person waives his rights”).	Va. Code Ann. § 19.2-11.01(A)(5)(b) (affording victims the right to be advised of their statutory rights to the services of an interpreter in court proceedings, in accordance with, <i>inter alia</i> , Va. Code Ann. § 19.2-164.1).
WI		Wis. Stat. Ann. §§ 885.38(3)(a)(3), (1)(b)(2) (“If the court determines that the person has limited English proficiency and that an interpreter is necessary, the court shall advise the person that he or she has the right to a qualified interpreter at the public’s expense if the person is . . . [a]n alleged victim, as defined in s. 950.02(4),” where “[l]imited english proficiency” means, <i>inter alia</i> , “[t]he inability, due to a . . . hearing loss, deafness, [or] deaf-blindness . . . to adequately hear, understand, or communicate effectively in English in a court proceeding.”).

**Chart 3: Provisions Expressly Addressing Victims with Disabilities’ Rights to Interpreters/Translators During Court Proceedings**

State	Victims’ Right to Interpreter/Translator	Victims’ Right to be Informed of Their Right to Interpreter/Translator
KY	<p>Ky. Admin. P. IX, § 4(1)(c) (requiring courts to provide language access services to, <i>inter alia</i>, non-parties who have, “in the opinion of the court or other appointing/ requesting authority, another type of disability which will prevent said person from properly understanding the nature of the proceedings or will substantially prejudice his or her rights, and for whom the provision of language access services will effectively assist in facilitating communication,” where Ky. Admin. P. IX, § 2(22)(a) defines “non-party” to include crime victims).</p>	
OR	<p>Or. Rev. Stat. Ann. §§ 45.285(3), (1)(c) (providing that “[i]n any criminal proceeding, the court shall appoint a qualified interpreter and make available appropriate assistive communication devices whenever it is necessary to interpret the proceedings to a victim who is a person with a disability and who seeks to exercise in open court a right that is granted by Article I, section 42 or 43, of the Oregon Constitution, including the right to be present at a critical stage of the proceeding” and defining “person with a disability” to mean “a person who cannot readily understand the proceedings because of deafness or a physical hearing impairment, or cannot communicate in the proceedings because of a physical speaking impairment”).</p>	

State	Victims' Right to Interpreter/Translator	Victims' Right to be Informed of Their Right to Interpreter/Translator
VT	<p>Vt. R. Crim. P. 28 (stating that “[t]he court must provide competent interpreter services when such services are necessary to ensure meaningful access to all court proceedings and court-managed functions in or related to criminal actions for a[n] . . . other person whose presence or participation is necessary or appropriate and who is a person with . . . [a] disability which results in the need for interpreter services,” where the 2017 Editor’s Notes provide that the term “other person” in Vt. R. Crim. P. 28 includes “a victim of a criminal offense, not only in the capacity of a witness, but victims and those with derivative rights exercising specified rights of participation pursuant to 13 V.S.A. chapter 165”).</p>	
WI		<p>Wis. Stat. Ann. §§ 885.38(3)(a)(3), (1)(b)(2) (“If the court determines that the person has limited English proficiency and that an interpreter is necessary, the court shall advise the person that he or she has the right to a qualified interpreter at the public’s expense if the person is . . . [a]n alleged victim, as defined in s. 950.02(4),” where “[l]imited English proficiency” means, <i>inter alia</i>, “[t]he inability, due to a speech impairment, hearing loss, deafness, deaf-blindness, or other disability, to adequately hear, understand, or communicate effectively in English in a court proceeding”).</p>