

SENATE, No. 3478

STATE OF NEW JERSEY

221st LEGISLATURE

INTRODUCED JUNE 20, 2024

Sponsored by:

Senator M. TERESA RUIZ

District 29 (Essex and Hudson)

SYNOPSIS

Requires certain court documents to be translated into languages other than English.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning certain court documents being made available
2 in languages in addition to English and supplementing Title 2B
3 of the New Jersey Statutes.

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5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*

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8 1. a. The Administrative Office of the Courts shall develop
9 policies which require that indictment pleadings, plea agreements,
10 motions, and other pertinent court documents that are presented
11 pretrial or in court during a criminal proceeding be translated into
12 the primary language of the criminal defendant, a witness, or a
13 person with legal decision-making authority for a defendant
14 including, but not limited to, a legal guardian. The courts shall
15 facilitate access by providing written materials in translated form
16 for those with limited English proficiency. Interpreters, as provided
17 under N.J.S.2B:8-1, may assist in the written translation of the
18 documents when practicable. The Administrative Office of the
19 Courts shall determine and identify which documents are to be
20 translated for purposes of promoting language access services that
21 are suited to the needs of the communities of New Jersey.

22 b. The Administrative Office of the Courts shall develop
23 policies which implement translation services for languages
24 including, but not limited to, the following:

- 25 (1) Spanish;
26 (2) Chinese;
27 (3) Portuguese;
28 (4) Italian;
29 (5) Korean;
30 (6) Hindi;
31 (7) Arabic;
32 (8) Haitian Creole; and
33 (9) French.

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35 2. The Administrative Office of the Courts shall develop
36 policies that ensure courthouses post and maintain signs in heavily
37 trafficked areas including, but not limited to, waiting rooms,
38 reception areas, and points of entry, informing the public of the
39 right to have court documents in their primary language as required
40 in section 1 of this act.

41 The signs shall be conspicuous and include brief information
42 including, but not limited to, availability of language assistance
43 services such as translation and interpretation. The signs shall
44 invite persons with limited English proficiency to identify
45 themselves as persons requiring language access services.

46 The signs shall be presented in English, Spanish, and any other
47 language the Administrative Office of the Courts deems necessary
48 to effectuate this act.

1 3. This act shall take effect immediately.

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STATEMENT

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6 This bill requires the Administrative Office of the Courts (AOC)
7 to develop and implement policies that will provide translations of
8 pertinent court documents in the primary language of defendants,
9 witnesses, or persons with decision-making authority. The policies
10 established are intended to help those with limited English
11 proficiency (LEP) knowingly and intelligently participate in the
12 proceeding before the court. The bill requires the AOC to develop
13 policies for the translation of nine languages that are widely spoken
14 in New Jersey. These include Spanish, Chinese, Portuguese,
15 Italian, Korean, Hindi, Arabic, Haitian Creole, and French. Further,
16 the bill requires the AOC to develop policies that require
17 courthouses to post signs notifying LEP individuals of language
18 services, including translation and interpretation.

19 It is the intent of the sponsor to provide assistance to certain
20 litigants when English is not their primary language to ensure the
21 judicial system upholds litigants' civil rights. Finding ways to
22 effectively bridge language barriers is necessary to preserve the
23 integrity of the legal system. There is agreement among federal and
24 state courts that in criminal proceedings, LEP defendants are
25 entitled to the assistance of an interpreter under the U.S.
26 Constitution.

27 Access to courts and administrative proceedings is critically
28 important. Whether cases involve child custody, domestic violence,
29 eviction, foreclosure, wage claims or criminal prosecution, the
30 stakes are too high for individuals to be effectively excluded from
31 courtroom participation because of their English proficiency. LEP
32 individuals should not lose custody of their children because of
33 their English ability, nor should LEP victims of domestic abuse
34 have to rely on family, friends, or abusers to interpret in the
35 courtroom, and lastly, LEP defendants should not be interpreted by
36 prosecutors.

37 Regardless of English proficiency, individuals need to
38 understand and have access to judicial proceedings and court
39 operations. Citizens of this country are all considered equal under
40 the law and ensuring equal treatment and access in the judicial
41 system are priorities of the Justice Department's Civil Rights
42 Division. There are over 25 million people in the United States who
43 are considered limited English proficient individuals, a population
44 that has almost doubled since 1990. Our justice system is a
45 cornerstone of our democracy and our constitutional right to due
46 process.

47 Meaningful language access is not just necessary to ensure the
48 proper functioning of our judicial system; it is required by law.

S3478 RUIZ

1 Under Title VI of the Civil Rights Act of 1964, entities that receive
2 federal financial assistance cannot discriminate on the basis of
3 national origin, and failing to provide language access in courts
4 violates Title VI.

5 Posting and maintaining signs as required by this bill in areas
6 such as waiting rooms, reception areas, and other initial points of
7 entry will inform applicants and beneficiaries of their right to free
8 language assistance services. The signage is required to invite LEP
9 individuals to identify themselves as persons needing such services.
10 It is critically important during court proceedings that plaintiffs and
11 defendants receive court documents in the language they speak.