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AMENDED

May 3, 2022

**H. 3795**

Introduced by Rep. Allison

S. Printed 5/3/22--S.

Read the first time April 7, 2021.

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE “SIGN LANGUAGE INTERPRETERS ACT” BY ADDING CHAPTER 84 TO TITLE 40 SO AS TO REQUIRE A SPECIFIED LEVEL OF COMPETENCE FOR SIGN LANGUAGE INTERPRETERS USED BY CERTAIN ENTITIES OF STATE GOVERNMENT, PUBLIC SCHOOLS, AND HOSPITAL SYSTEMS, TO PROVIDE SIGN LANGUAGE INTERPRETATION SERVICES TO MEMBERS OF THE PUBLIC WHO ARE DEAF OR HARD OF HEARING AND HAVE CERTAIN SPEECH IMPAIRMENTS, AND TO PROVIDE NECESSARY DEFINITIONS; BY ADDING SECTION 59‑33‑120 SO AS TO PROVIDE FOR THE PROMULGATION OF REGULATIONS FOR THE APPROPRIATE CREDENTIALING OF SIGN LANGUAGE INTERPRETERS IN PUBLIC AND SPECIAL SCHOOLS, AND TO REQUIRE INTERPRETERS FOR THE DEAF WORKING IN SCHOOLS AND SCHOOL DISTRICTS IN THIS STATE TO SUBMIT THE SAME BACKGROUND CHECKS AS EDUCATORS; TO AMEND SECTION 15‑27‑15, RELATING TO THE APPOINTMENT OF SIGN LANGUAGE INTERPRETERS BY THE JUDICIAL DEPARTMENT FOR PARTIES OR WITNESSES WHO ARE DEAF OR HARD OF HEARING, SO AS TO MAKE CONFORMING CHANGES AND TO PROVIDE NECESSARY DEFINITIONS; AND TO MAKE THE PROVISIONS OF THIS ACT EFFECTIVE JANUARY 1, 2022.

Amend Title To Conform

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. This act must be known and may be cited as the “Sign Language Interpreters Act”.

SECTION 2. Title 40 of the 1976 Code is amended by adding:

“CHAPTER 84

Sign Language Interpreters

Section 40‑84‑110. For the purposes of this chapter:

(1) ‘Agency’ means:

(a) the departments of state government enumerated in Section 1‑30‑10;

(b) the offices of all statewide constitutional officers;

(c) the Judicial Department;

(d) all public institutions of higher education;

(e) the Commission on Higher Education;

(f) police stations;

(g) county and state detention centers and correctional facilities; and

(h) any other board, commission, or council created by a statute of this State; but

(i) excludes school districts, school boards, charter schools, and special schools.

(2) ‘Deaf person’ means a person who cannot use his hearing for communication purposes.

(3) ‘Interpreting’ is the act of conveying meaning between people who use signed and spoken languages, conveying all essential elements of meaning and intent and where such process is offered in exchange for remuneration.

(4) ‘Recognized certification’ means a certification in sign language interpretation as approved by the South Carolina Association of the Deaf, the South Carolina Registry of Interpreters for the Deaf, or the National Registry of Interpreters for the Deaf.

(5) ‘Sign Language’ or ‘American Sign Language’ or ‘ASL’ means a visual‑gestural language that incorporates facial grammatical markers, physical affect markers, spatial linguistic information, and fingerspelling, as well as signs made with the hands. ASL is a distinct language with its own grammar and syntax that is neither based on nor derived from a spoken language.

(6) ‘South Carolina Association of the Deaf’ or ‘association’ or ‘SCAD’ means the state chapter of the National Association of the Deaf acting as a consumer advocacy organization serving the deaf and hard‑of‑hearing population of South Carolina, as incorporated at the time of enactment, or any successor organization of it.

(7) ‘South Carolina Registry of Interpreters for the Deaf’ or ‘SCRID’ means the state affiliate chapter of the Registry of Interpreters for the Deaf, serving as an interpreter‑advocacy and professional organization, as incorporated at the time of enactment, or its successor organization.

Section 40‑84‑120. The requirements of this chapter apply to all:

(1) agencies as defined by Section 40‑84‑110(1); and

(2) hospitals and health care facilities regulated by the Department of Health and Environmental Control under Title 44.

Section 40‑84‑130. (A) A person only may provide interpreting services for an agency or hospital if he holds a recognized certification as defined in Section 40-84-110(4).

(B) The provisions in this section do not apply to a person who is interpreting:

(1) in an emergency situation where the parties determine that the delay to obtain a certified interpreter is likely to cause injury or loss; or

(2) as part of a supervised internship or mentorship program if the individual is accompanied by an interpreter with recognized certification.

Section 40‑84‑140. To the extent that the provisions of this chapter conflict with other minimum competency standards for a sign language interpreter required for use by an entity identified in Section 40‑84‑120, the more rigorous standards must prevail.”

SECTION 3. Article 1, Chapter 33, Title 59 of the 1976 Code is amended by adding:

“Section 59‑33‑120. In consultation with relevant stakeholders, including, but not limited to, the South Carolina Association of the Deaf and the South Carolina Registry of Interpreters for the Deaf, the State Board of Education shall develop and promulgate regulations for the appropriate credentialing of sign language interpreters in the public and special schools of this State. Interpreters for the deaf working in schools and school districts in this State must be required to submit the same background checks as educators pursuant to Section 59‑25‑115.”

SECTION 4. This act takes effect on January 1, 2024.

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