

Alabama Rules of Evidence

Article VI. Witnesses

Rule 604.

Interpreters.

Interpreters are subject to the provisions of these rules relating to qualification as an expert and the administration of an oath or affirmation to make a true translation.

Advisory Committee's Notes

Alabama has long recognized the role of interpreters in the courts. See *Spencer v. State*, 40 Ala.App. 93, 109 So.2d 756, cert. denied, 268 Ala. 699, 109 So.2d 758 (1959). See also C. Gamble, *McElroy's Alabama Evidence* § 94.01(5) (4th ed. 1991); J. Colquitt, *Alabama Law of Evidence* § 6.4 (1990). Rule 604 continues the practice under which interpreters must make an oath or affirmation that they will interpret truly. *Todd v. State*, 380 So.2d 370 (Ala.Crim.App.1980); Ala. Code 1975, § 12-21-130 (Rule 604 supersedes that portion of the statute providing that interpreters may be sworn); Ala. Code 1975, § 12-21-131 (providing that presiding judge may provide an interpreter for witness with defective hearing). The interpreter must be qualified under the Alabama Rules of Evidence dealing with experts. See Ala.R.Evid. 702 (recognizing expertise as arising from experience as well as by education). This is consistent with preexisting Alabama practice. See, e.g., *Almon v. State*, 21 Ala.App. 466, 109 So. 371 (1926); *Central of Ga. R.R. v. Joseph*, 125 Ala. 313, 28 So. 35 (1900). See also Ala.R.Civ.P. 43(f) (recognizing that the court, at least in a civil case or proceeding may appoint an interpreter of its own selection and may fix a reasonable compensation for the interpreter and tax the compensation as costs).

Rule 604 is taken from Fed.R.Evid. 604.