

March 3, 2026

Chair Feyen, Vice Chair Kapenga, and Honorable Members of the Senate Committee on Government Operations, Labor, and Economic Development:

The American Civil Liberties Union of Wisconsin appreciates the opportunity to provide testimony in opposition to Assembly Bill 377.

167,303 people in Wisconsin self-identified as speaking English “less than very well,” according to the 2022 American Community Survey. This puts Wisconsin’s Limited English Proficiency (LEP) population at just around 3%.¹ Many of these people have been in Wisconsin for years, or even decades. They live in communities throughout Wisconsin and are our neighbors, friends, and family members. AB-377 endangers access to justice and services for LEP individuals in Wisconsin. It also raises significant constitutional concerns—particularly in substantive and evidentiary proceedings in criminal cases and matters under Chapter 48 and Chapter 938 that have a profound impact on individuals’ liberty interests.

Current Law

Wis. Stat. § 885.38 establishes the requirements regarding interpreters in circuit and appellate court proceedings. Under current law, if the court determines that the person has limited English proficiency and that an interpreter is necessary, the court must advise the person of the right to a qualified interpreter if they are:

- A party in interest
- A witness, while testifying in a court proceeding
- An alleged victim
- A parent or legal guardian of a minor party in interest or legal guardian of a party in interest
- Another person affected by the proceedings, if the court determines that the appointment is necessary and appropriate

“Limited English proficiency” means:

- The inability, because of the use of a language other than English, to adequately understand or communicate effectively in English in a court proceeding, or
- The 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

Under current law, Wis. Stat. § 885.37 establishes interpreter requirements for municipal court actions under Chapter 938 and administrative contested case proceedings before a state, county or municipal agency.

¹ Director of State Courts, “Language Access Plan”, *Wisconsin Court System* (Dec. 2024), <https://www.wicourts.gov/services/interpreter/docs/laplan.pdf>.

Additionally, Title II of the ADA² requires state and local government facilities (including courts) provide appropriate steps to ensure people with disabilities can participate, including ensuring “effective communication” through free, qualified interpreters. Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, and national origin in activities or programs receiving federal funding.³ Courts have interpreted Title VI to include discrimination based on English proficiency, requiring federal funding recipients to provide LEP individuals with meaningful access to their programs and services.⁴ Other federal mandates require language access in certain contexts such as state Medicaid agencies and community health centers,⁵ state and local agencies administering SNAP benefits,⁶ state and local agencies administering employment related benefits,⁷ election materials,⁸ state and local agencies ensuring fair housing,⁹ and educational settings.¹⁰

Access to effective translation in criminal proceedings is a fundamental right guaranteed by Wisconsin law and the Constitution. The Wisconsin Supreme Court has held that, under the Sixth and Fourteenth Amendments to the U.S. Constitution, a criminal defendant who does not understand English has a right to have the proceedings of their trial translated into a language they understand.¹¹

Artificial Intelligence Interpretation Under AB-377

Turning to the bill, AB-377 modifies state statutes related to court interpretation to allow for the use of “artificial intelligence or other machine-assisted translation tools” in lieu of appointing an interpreter. By allowing courts to appoint AI translators, this bill directly threatens the well-established rights of LEP defendants. Further, this bill threatens the rights of crime victims, as access to an interpreter during criminal proceedings is a fundamental victim’s right for LEP individuals.¹² Even for non-LEP victims, if a key witness is LEP, an AI translator could threaten the accuracy of their testimony and deprive the victim of justice.

AI translators are known to be dangerously inaccurate in the legal context. Stanford Legal Design Lab reported that AI often mistranslates legal terms, distorting meanings and endangering due process.¹³ For example, “due date” was often mistranslated as “date to give birth,” while “warrant” was mistranslated as “court order.” “Trial” was often mistranslated as “test,” downplaying the legal significance of the proceeding. Pronoun confusion created distortion as to who was accusing whom, often placing victims and their support systems at risk.

² 42 U.S. Code § 12132.

³ 42 U.S.C. § 2000d et seq.

⁴ E.g. *Lau v. Nichols*, 414 U.S. 563 (1974).

⁵ Section 1557 of the Patient Protection and Affordable Care Act (ACA), 42 U.S.C. § 18116.

⁶ 7 U.S.C. § 2020

⁷ Workforce Innovation and Opportunity Act,

⁸ Section 203 of the Voting Rights Act, 52 U.S.C. § 10503 .

⁹ Fair Housing Act, 42 U.S.C. §§ 3601-19.

¹⁰ Equal Educational Opportunities Act, 20 U.S.C. § 1703(f).

¹¹ *State v. Neave*, 117 Wis. 2d 359, 364 (1984).

¹² 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”, (Spring 2024), <https://ncvli.org/wp-content/uploads/2024/05/Right-to-Interpreters-for-LEP-and-DHOH-Victims-Final-5.28.24.pdf>

¹³ Justice Innovation, “AI, Machine Translation, and Access to Justice”, *Stanford Legal Design Lab* (Feb. 11, 2025), <https://justiceinnovation.law.stanford.edu/ai-machine-translation-and-access-to-justice/>

Practically speaking, this means a court could allow a robot interpreter for a defendant in a criminal trial to determine whether they are innocent or their guilt is established by proof beyond a reasonable doubt, which could lead them to being incarcerated in prison; robot interpreters in cases where the state is seeking to terminate a parent’s rights (sometimes called the “civil death penalty” because it irreversibly severs the level relationship between a child and their parents, their siblings, and the rest of their family); robot interpreters in cases where someone can be held against their will in an inpatient mental health facility or involuntarily ordered to take medication for an extended period of time. Court interpreters in Wisconsin abide by a professional code of ethics because their role is critically important for guaranteeing the right to due process and fair proceedings. Would robot interpreters need to follow this code of ethics?

AI translators also present confidentiality concerns.¹⁴ Confidentiality is the backbone of the legal profession, and feeding client information into AI for translation could constitute a serious breach of attorney-client privilege¹⁵ and courtroom confidentiality.

Assembly Amendment 1 and Assembly Amendment 2 to AB-377

Assembly Amendment 1 appears to exclude the right to a qualified interpreter for a defendant accused of a violent crime despite constitutional requirements.

Assembly Amendment 2 amends additional statutes regarding interpreters serving by telephone or video. Under current law, “on request of any party, the court may permit an interpreter to act in any [civil or criminal] proceeding other than a trial by telephone or live audiovisual means.” As current guidance¹⁶ from Wisconsin Courts highlights, “[t]elephonic interpreting is best suited to short proceedings under 15 minutes such as arraignments, initial appearances, scheduling or status conferences,” not longer, evidentiary hearings.

Assembly Amendment 2 removes the exclusion for criminal and civil trials, so that an interpreter may act by phone or video in *any* proceeding. While remote technology can be a vital tool for courts, the limitations of interpreters acting by telephone or audiovisual means in substantive and evidentiary proceedings raise significant concerns—particularly in criminal cases and civil matters that have a profound impact on individuals’ liberty interests. AB-377 as amended by Assembly Amendments 1 and 2 conflict with statutory changes contained in another bill introduced and passed this session.

Assembly Bill 320—as passed by the Assembly and Senate and enrolled—struck an important balance regarding remote interpretation. AB-320 requires interpreters to act in civil proceedings remotely unless a party objects, and the court makes a determination as to whether the interpreter is required to act in person. However, AB-320 maintains current law for criminal proceedings and civil proceedings under Chapters 48, 51, 54, or 55, which allows any party to request, and a court to allow, an interpreter to act in a proceeding remotely, other than a trial.

¹⁴ Otilia Munteanu, “The Hidden Risks of Relying on AI for Legal Translation”, *PoliLingua* (May 13, 2025), <https://www.polilingua.com/blog/post/ai-legal-translation-risks.htm>

¹⁵ Wis. Stat. § 905.015 protects otherwise privileged communications obtained through an interpreter.

¹⁶ “Telephone Interpreting Best Practices,” Wisconsin Courts (Feb. 2025), <https://www.wicourts.gov/services/interpreter/docs/telephoneinterp.pdf>.

Requiring All Government Communications to Be in English

AB-377 would also establish English as the official language of Wisconsin and would require “all oral and written communication by all state agencies and local government units” to “be in the English language, except that such communication may be in another language when appropriate to the circumstances of an individual case, the implementation of a program in a specific instance, or the discharge of a responsibility in a particular situation,” or “[u]nless otherwise specifically authorized or required by law” or if necessary for any of the following purposes:

- To protect the health, safety, or liberty of any citizen.
- To teach or study another language.
- To protect the rights of a criminal defendant or victim of a crime.
- To promote trade, tourism, or commerce.
- To facilitate activities relating to the compilation of any census.
- To comply with the federal Individuals with Disabilities Education Act under 20 USC 1400 et seq.
- To use a proper name, term of art, or phrase from a language other than English.
- To comply with the constitution and laws of the United States or the constitution of this state.

Despite caveats for compliance with existing laws and other broad exceptions, the conflicting language in this bill would create confusion among government entities, risking LEP Wisconsinites’ access to government services. Bills like AB-377 cause and contribute to state government officials and agencies failing to address language barriers, and increasing the likelihood of infringing on our civil rights and liberties. Access to government information for all is particularly important to maintaining an effective and healthy democracy.¹⁷ Our friends, family, and neighbors that speak languages other than English deserve equal access to information and services from the government.

The vague language in this bill threatens many areas of state government that impact everyday Wisconsinites. “Government entities” could include things like public schools funded by the state, prisons operated by the Department of Corrections, and the Wisconsin Elections Commission. This bill could bar access to public schools for children who speak another language. It could create chaos on voting day when citizens who are fluent in another language are not provided election materials in their native language. It could prevent police and fire officials from being able to protect people who don’t speak English. Concerningly, the bill only provides an exception for protecting the safety of citizens, not non-citizens. Threats to safety and information for LEP people constitute threats to all. Requiring government communications to be in English could threaten dissemination of important information, including emergency weather alerts, crime alerts, and more. This makes the Wisconsin public as a whole, whether LEP or not, less safe.

Finally, it’s important to note that the push for “English only” statutes in Wisconsin, and across the nation, cannot be separated from a historical context where language policy served as a deliberate tool of cultural assimilation and control. One severe manifestation of this ideology was directed against Wisconsin’s Native American nations, including the Ho-Chunk, Menominee, and Ojibwe. Beginning in the late 19th century, federal policy, executed through institutions like the Indian boarding schools, systematically banned and punished the use of indigenous languages, aiming for the cultural erasure necessary to “assimilate” Native children. This foundational history demonstrates how linguistic legislation, even when framed neutrally, often carries an undercurrent of state-sanctioned cultural hostility against non-English speakers.

¹⁷ Laura Neuman, “A Key to Democracy: Access to Information Critical for Citizens, Governments,” *The Carter Center* (April 11, 2005), <https://www.cartercenter.org/news/documents/doc1860.html>.

This assimilationist impulse also found its target in Wisconsin's diverse immigrant communities. While our state was celebrated for its German, Polish, and Scandinavian heritage, periods of heightened nativism saw the foreign languages of these groups rebranded as a threat to American identity. This sentiment culminated during the two World Wars, most notoriously when anti-German hysteria led to severe restrictions on the German language in public life and in schools across the state. The debate over the 1889 Bennett Law, which sought to mandate English instruction in private and parochial schools, underscores that language was a key battleground in controlling immigrant culture long before the 20th century. By viewing non-English communication as disloyal or inefficient, these movements used the language barrier to impose cultural conformity, equating proficiency in English not just with communication, but with political and cultural legitimacy.

The ACLU of Wisconsin urges committee members to vote against AB-377.