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AB-1638 Local government: emergency response services: use of languages other than English. (2023-2024)

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Assembly Bill No. 1638

CHAPTER 587

An act to add Section 7299.7 to the Government Code, relating to local government.

[Approved by Governor October 08, 2023. Filed with Secretary of State October 08, 2023.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1638, Mike Fong. Local government: emergency response services: use of languages other than English.

Existing law requires every local public agency that serves a substantial number of non-English-speaking people to employ a sufficient number of qualified bilingual persons in public contact positions or as interpreters to ensure provision of information and services in the language of the non-English-speaking person. Existing law requires that any materials explaining services available to the public shall be translated into any non-English language spoken by a substantial number of the public served by the agency.

This bill would require, commencing January 1, 2025, in the event of an emergency within the jurisdiction of a local agency, as defined, that provides emergency response services and that serves a population within which 5% or more of the people speak English less than "very well" according to American Community Survey data and jointly speak a language other than English, that the local agency provide information related to the emergency in English and in all languages spoken jointly by the 5% or more of the population that speaks English less than "very well." The bill would require local agencies to use data by January 1, 2025, as specified, to determine which languages are spoken jointly by 5% or more of the population in its jurisdiction and to reassess that data every 5 years. The bill would impose various requirements on the manner in which information is provided in languages other than English. The bill would also require the Office of Planning and Research to survey a sample of local agencies every 3 years to determine compliance with these requirements and to report its findings to the Legislature. Because the bill would require local agencies to provide a higher level of service, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 7299.7 is added to the Government Code, immediately preceding Section 7299.8, to read:

7299.7. (a) Notwithstanding any other provision of this chapter, and commencing January 1, 2025, in the event of an emergency within the jurisdiction of a local agency that provides emergency response services and that serves a population within which 5 percent or more of the people speak English less than “very well” according to data from the American Community Survey and jointly speak a language other than English, the local agency shall provide information related to the emergency in English and in all languages spoken jointly by the 5 percent or more of the population that speaks English less than “very well.”

(b) (1) By January 1, 2025, each local agency shall use data from the American Community Survey or data from an equally reliable source to determine which languages meet the requirements of subdivision (a) in the local agency’s jurisdiction.

(2) Each local agency shall reassess the data every five years to ensure that the language or languages in which the local agency provides information are consistent with the requirements of subdivision (a).

(c) A local agency providing information pursuant to this section shall do both of the following:

(1) Ensure that the quality of information translated and provided to individuals that speak English less than “very well” is as comprehensive, actionable, and timely as the information provided to English-speaking persons.

(2) Endeavor to utilize community members with the cultural competencies and language skills necessary to effectively communicate with those that speak English less than “very well” using, whenever feasible, native speakers of the relevant languages who also speak English fluently.

(d) Commencing January 1, 2027, the Office of Planning and Research shall survey a sample of local agencies every three years to determine the extent to which local agencies are complying with the requirements of this section and shall report the findings to the Legislature pursuant to Section 9795.

(e) For purposes of this section, the following definitions apply:

(1) “Emergency” means a situation that calls for immediate action to respond to the threat of serious harm or mass casualties, including conditions of natural disaster or conditions posing extreme peril to the safety of persons and property in the territorial limits of the local agency.

(2) “Emergency response services” means police, fire, or emergency medical services.

(3) “Local agency” means a city, county, city and county, or a department of a city or county.

(f) This section does not relieve a local agency of its responsibilities under the California Emergency Services Act (Chapter 7 (commencing with Section 8550) of Division 1 of Title 2).

SEC. 2. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.