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Senate Bill 638 (as introduced 9-13-11)  
Sponsor: Senator Roger Kahn, M.D.  
Committee: Government Operations

Date Completed: 11-8-11

### **CONTENT**

**The bill would create a new statute to designate English as the official language of this State and do the following:**

- **Require official actions of the State to be in English.**
- **Prohibit State and local laws or policies from requiring the use of any other language for certain documents or transactions, except as otherwise allowed.**
- **Prohibit State and local laws or policies from penalizing anyone solely because he or she speaks only English.**
- **Specify purposes for which the State and local units could use a language other than English.**

Specifically, official actions of the State that bind or commit the State or give the appearance of presenting the official views or position of the State would have to be in the English language.

Except as provided below, a law, ordinance, decree, program, or policy of the State, or a political subdivision of the State, could not require the use of any language other than English for any documents, regulations, orders, transactions, proceedings, meetings, programs, or publications that do any of the following:

- Promote trade, commerce, and tourism.
- Create or promote State or agency mottoes.
- Inscribe public monuments.

A person who speaks only English would have to be eligible to participate in all programs, benefits, and opportunities, including employment, provided by the State and its political subdivisions, except when required to speak another language as described below.

A law, ordinance, decree, program, or policy of the State or a political subdivision could not penalize or impair the rights, obligations, or opportunities available to any person solely because he or she speaks only English.

The State and political subdivisions could use a language other than English for any of the following purposes:

- To teach or encourage the learning of language other than English.
- To protect the public health or safety.

- To teach English to those not fluent in the language.
- To comply with the Native American Languages Act, the Individuals with Disabilities Education Act, or any other Federal law.
- To protect the rights of criminal defendants and victims of crime.
- To perform acts involving the customary use of a language other than English.
- To use terms of art or terms or phrases from other languages that are commonly used in communications other than English.

Legislative Analyst: Suzanne Lowe

**FISCAL IMPACT**

The bill would have no fiscal impact on State government.

Fiscal Analyst: Joe Carrasco

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.