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SB-1053 Presentation of claims: local public entities: childhood sexual abuse. (2017-2018)

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Senate Bill No. 1053

CHAPTER 153

An act to amend Section 935 of the Government Code, relating to government claims.

[Approved by Governor July 20, 2018. Filed with Secretary of State July 20, 2018.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1053, Beall. Presentation of claims: local public entities: childhood sexual abuse.

The Government Claims Act sets forth the general procedure for the presentation of claims as a prerequisite to commencement of actions for money or damages against local public entities, as defined.

The act exempts certain claims against local public entities from the presentation procedures of the act, including, but not limited to, claims made pursuant to a specific provision of the Code of Civil Procedure for the recovery of damages suffered as a result of childhood sexual abuse and arising out of conduct occurring on or after January 1, 2009. Under the act, claims against a local public entity for money or damages that are exempted and that are not governed by any other statutes or regulations expressly relating thereto, are authorized to be governed by the procedure prescribed in an enactment adopted by the local public entity.

This bill would specifically exempt from that authorization for procedures prescribed by local enactment claims against a local public entity made pursuant to the above-described existing law for the recovery of damages suffered as a result of childhood sexual abuse.

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

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

SECTION 1. Section 935 of the Government Code is amended to read:

935. (a) Claims against a local public entity for money or damages which are excepted by Section 905 from Chapter 1 (commencing with Section 900) and Chapter 2 (commencing with Section 910) of this part, and which are not governed by any other statutes or regulations expressly relating thereto, shall be governed by the procedure prescribed in any charter, ordinance, or regulation adopted by the local public entity.

(b) The procedure so prescribed may include a requirement that a claim be presented and acted upon as a prerequisite to suit thereon. If such a requirement is included, any action brought against the public entity on the claim shall be subject to Sections 945.6 and 946.

(c) The procedure so prescribed shall not require a shorter time for presentation of any claim than the time provided in Section 911.2.

(d) The procedure so prescribed shall not provide a longer time for the board to take action upon any claim than the time provided in Section 912.4.

(e) When a claim required by the procedure to be presented within a period of less than one year after the accrual of the cause of action is not presented within the required time, an application may be made to the public entity for leave to present such claim. Subdivision (b) of Section 911.4, Sections 911.6 to 912.2, inclusive, and Sections 946.4 and 946.6 are applicable to all such claims, and the time specified in the charter, ordinance, or regulation shall be deemed the "time specified in Section 911.2" within the meaning of Sections 911.6 and 946.6.

(f) Any procedure authorized to be prescribed by this section does not apply to claims of childhood sexual abuse made as described in subdivision (m) of Section 905. This subdivision is declaratory of existing law.