

Date of Hearing: May 4, 2022

ASSEMBLY COMMITTEE ON APPROPRIATIONS  
Chris Holden, Chair  
AB 2959 (Committee on Judiciary) – As Introduced March 8, 2022

Policy Committee: Judiciary

Vote: 9 - 0

Urgency: No

State Mandated Local Program: No

Reimbursable: No

**SUMMARY:**

This bill exempts a claim of childhood sex abuse against a state employee from the presentation requirement pursuant to the Government Claims Act (GCA).

**FISCAL EFFECT:**

Likely no cost to state agencies or the trial courts given this bill does not affect the likelihood a person will file suit for childhood sexual abuse. Existing law already allows a person to bring action against a state or local agency for alleged child sex abuse.

**COMMENTS:**

- 1) **Purpose.** This bill creates uniformity for childhood sexual abuse claims against both state and local public institutions.
- 2) **Government Claims Act.** The Government Tort Claims Act generally governs damage claims brought against public entities. The GCA requires that a claim relating to a cause of action for death or for injury to a person be presented in writing to the public entity not later than six months after accrual of the cause, which is defined as the date upon which the cause of action would be deemed to have accrued within the meaning of the applicable statute of limitations. In Shirk v. Vista Unified School District (2007) 42 Cal.4th 201, the California Supreme Court held that, notwithstanding the childhood sexual abuse statute of limitations timeframes in Section 340.1 of the Code of Civil Procedure (CCP) and its delayed discovery provisions, a timely public entity six-month claim is a prerequisite to maintaining an action for childhood sexual abuse against a public entity school district. The Court based its holding primarily on its finding that nothing in the express language of SB 1779 or the bill's legislative history indicated an intent by the Legislature to exempt Section 340.1 claims from the and its six-month claim presentation requirement.
- 3) **Prior Legislation.**
  - a) AB 218 (Gonzalez), Chapter 861, Statutes of 2019, extended the civil statute of limitations for childhood sexual assault by 14 years, revives, for three years, old claims and increases certain penalties for childhood sexual assault.

- b) AB 1510 (Leyva), Chapter 462, Statutes of 2019, revived time-barred claims for damages of more than \$250,000 arising out of a sexual assault or other inappropriate sexual activity committed by a physician at a student health center between January 1, 1988, and January 1, 2017.
- c) AB 3092 (Wicks), Chapter 246, Statutes of 2020, revives lapsed claims for damages arising out of a sexual assault or other inappropriate contact, of a sexual nature by a physician practicing at a medical clinic owned and operated by the University of California Los Angeles (UCLA).

**Analysis Prepared by:** Kimberly Horiuchi / APPR. / (916) 319-2081