

ASSEMBLY BILL

No. 1865

Introduced by Assembly Member Wildman

February 13, 1998

An act to add Section 823 to the Government Code, relating to governmental tort liability.

LEGISLATIVE COUNSEL'S DIGEST

AB 1865, as introduced, Wildman. Governmental tort liability: peace officers.

Existing law sets forth the liability of public employees, including peace officers, for conduct in the scope of employment. Existing law also provides that certain causes of action against a defendant survive the death of the defendant.

This bill would provide that neither the widow or widower, the heirs, nor the estate of a peace officer, as defined, shall be liable for any injury that may result from an act or omission of a peace officer that occurs in his or her line of duty, if the officer was slain while in the line of duty and an official inquiry or investigation has concluded that the plaintiff's allegations regarding the officer's conduct were unfounded or without merit.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 823 is added to the Government
2 Code, to read:

1 823. Neither the widow or widower, the heirs, nor the
2 estate of a peace officer, as defined in Sections 830.1 and
3 830.2 of the Penal Code, shall be liable for any injury that
4 may result from an act or omission of a peace officer that
5 occurs in his or her line of duty, if the officer was slain
6 while in the line of duty and an official inquiry or
7 investigation has concluded that the plaintiff's allegations
8 regarding the officer's conduct were unfounded or
9 without merit.

O

