

Date of Hearing: April 7, 2026

ASSEMBLY COMMITTEE ON JUDICIARY  
Ash Kalra, Chair  
AB 2529 (Johnson) – As Introduced February 20, 2026

As Proposed to be Amended

**SUBJECT:** CIVIL CLAIMS: DECLARATION

**KEY ISSUE:** SHOULD THE INITIAL CLAIM PRESENTED UNDER THE GOVERNMENT CLAIMS ACT BE SIGNED BY THE CLAIMANT, OR SOMEONE ON THE CLAIMANT'S BEHALF, DECLARING THAT UPON INFORMATION AND BELIEF, THE CONTENTS OF THE CLAIM ARE TRUE AND CORRECT?

**SYNOPSIS**

*Under existing law, a person who wants to bring a civil action for damages against a public entity must first present a written claim to the entity that describes the nature of the loss and the damages sought. The purpose of the "claim presentation requirement" is to give the entity an opportunity to respond and, if appropriate, remedy the injury and avoid costly litigation. Existing law also requires the public entity to develop a form for the purpose of submitting a claim, and it appears to require the claimant to use that form. However, both the courts and the California Law Revision Commission interpret the statute to allow a claimant to submit a written claim without using the form, so long as it includes all statutorily required elements.*

*The standard state form created by the Department of General Services requires the claimant to sign the form "under penalty of perjury." Individual state agencies have developed forms that similarly require some type of declaration that the contents of the claim are true to the best of the claimant's understanding. Presumably local entities provide forms that require the claimant to sign under penalty of perjury or with a declaration, but according to the author and sponsors this does not matter if the claimant opts not to use the agency form. The courts have held that the written claim only needs to include the required elements and be "signed by the claimant or by some person on [the claimant's] behalf." The statute does not require signing under penalty of perjury or with any other declaration, though apparently this has been the practice, at least for those who use the agency form.*

*This bill would amend the Government Claims Act to specify that the claim – whether the person uses an agency form or drafts a claim – must be signed by the claimant with a declaration that the contents of the claim are true and correct to the best of the claimant's knowledge. As proposed to amended, the bill does not require the claimant to sign under penalty of perjury.*

*This bill is supported by several individual cities who contend that requiring a declaration will discourage false claims in the initial presentation. The bill is opposed by several labor organizations; however, their letters address the bill in print and not the bill as proposed to be amended in Committee. The bill as amended addresses many of their concerns, though it is not clear if the amendments remove the opposition.*

**SUMMARY:** Requires that a claim presentation submitted under the Government Claims Act be signed by the claimant or by some person on the claimant's behalf declaring that upon information and belief, the contents of the claim are true and correct.

**EXISTING LAW:**

- 1) Provides, as a general rule, that a public entity is not liable for any injury, whether such injury arises out of an act or omission of the public entity or public employee or any other person, except as liability is otherwise provided by statute. (Government Code Section 815 *et seq.*)
- 2) Establishes a standardized procedure by which claims for money damages against a public entity shall be presented and requires the public entity to grant or deny the claim within 45 days of presentation, unless the period is extended by mutual agreement. Provides, subject to certain exceptions, that no suit for money or damages may be brought against a public entity if the person bringing the suit did not first meet the claim presentation requirement. (Government Code Sections 810 *et seq.*, 910 *et. seq.*, and 945.4.)
- 3) Requires a claim presented under the Government Claims Act by a claimant or by a person acting on the claimant's behalf to show all of the following:
  - a) The name and post office address of the claimant.
  - b) The post office address to which the person presenting the claims desires notices to be sent.
  - c) The date, place, and other circumstances of the occurrence or transaction that gave rise to the claim asserted.
  - d) A general description of the indebtedness, obligation, injury, damage, or loss incurred so far as they may be known at the time of the presentation of the claim.
  - e) The name or names of the public employee or employees causing the injury, damage, or loss, if known.
  - f) The amount claimed if it totals less than \$10,000, as specified. If the amount claimed exceeds \$10,000 no dollar amount shall be included; however, it shall indicate whether the claim would be a limited civil case. (Government Code Section 910.)
- 4) Requires the claim, as described above, to be signed by the claimant or by some person on his behalf. Specifies that claims against local public entities for supplies, materials, equipment, or services need not be signed by the claimant or on his behalf if present on a billhead or invoice regularly used in the conduct of the business of the claimant. (Government Code Section 910.2.)
- 5) Requires the public agency board, as defined, to provide forms specifying the information to be contained in claims against the state or a judicial branch entity. Requires the person presenting a claim to use the form in order that his or her claim is deemed in conformity with 3) and 4) above. (Government Code Section 910.4.)

- 6) Requires every pleading, petition, written notice of motion, or similar paper to be signed by at least one attorney of record or by the party if not represented. Specifies that by presenting writings to the court the attorney or unrepresented party is certifying that to the best of the person's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances, that all of the following conditions are met:
  - a) It is not presented primarily for an improper purpose, such as to harass or to cause unnecessary delay or needlessly increase litigation costs.
  - b) The claims, defenses, and other legal contentions therein are warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law.
  - c) The allegations and other factual contentions have evidentiary support, as specified.
  - d) The denials of factual contentions are warranted on the evidence, as specified. (Code of Civil Procedure Section 128.7.)

**FISCAL EFFECT:** As currently in print this bill is keyed fiscal.

**COMMENTS:** According to the author and supporters, California cities are spending millions of taxpayers' and insurance pool dollars to litigate and settle employee-related claims, especially those alleging discrimination, harassment, retaliation, and wrongful termination. While the author and supporters concede that many such claims are valid and deserve a full and fair adjudication, others are filed to "generate settlement leverage, reputational pressure, or political attention before the facts are meaningfully tested. Because defending these claims is costly, agencies often settle early regardless of merit. The result is a growing financial burden that diverts limited public resources away from essential services." The author and supporters believe that AB 2529 offers a "narrow, commonsense reform" that would require any person seeking monetary damages from public entities to attest to the truth of their claims.

*This bill* originally attempted to address the problem of allegedly false and frivolous claims by requiring a public employee seeking monetary damages from a public entity to sign the initial claim presentation form, as well as any subsequent civil pleadings, under penalty of perjury. It also would have required the agency to report any suspected perjury in the claim presentation to the District Attorney. For reasons discussed below, the author will amend the bill in this Committee to strike the content of the bill in print and instead merely require the claim to be signed with a declaration that the contents of the claim are true and correct based on the claimant's information and belief at the time.

**The Government Claims Act.** Rooted in the ancient (and possibly anachronistic) doctrine of sovereign immunity, our existing law generally declares that a public entity is not liable for injuries arising out of any act or omission of a public entity, unless liability is otherwise imposed by statute. Thus, California's Government Claims Act is at once an assertion of immunity with a list of statutory exceptions imposing liability. The list of statutory exceptions may reflect our discomfort with the concept of sovereign immunity. As Erwin Chemerinsky, Dean of the U.C. Berkely Law School has argued, the doctrine of sovereign immunity might have made sense in a monarchy where "the King can do no wrong," but it makes less sense in a democracy committed to the idea that no one is above the law, and everyone is entitled to due process of law. [See Erwin Chemerinsky, "Against Sovereign Immunity," 53 *Stanford Law Review* 1201 (2001).]

Yet, our discomfort with sovereign immunity only goes so far, for our law still makes it more difficult to sue a public entity for damages than it does to sue a private entity. Today these additional barriers do not reflect a belief in the infallibility of Kings so much as the reality that when a public entity pays out damages it comes out of the public fisc and means less money for essential government services.

The “claim presentation requirement” (Government Code Section 945.4.) is one way that the Government Claims Act attempts to balance the need to hold public entities accountable against the equally important need of protecting public funds. Subject to certain exceptions, a person cannot bring a civil lawsuit for damages against a public entity unless the person has first attempted to seek redress by presenting a claim to the public entity that allegedly caused the harm. The claim presentation is intended to offer a simple description of the incident that gave rise to the injury, the losses suffered, and the damages sought. Once the claim has been presented, the public entity has 45 days to either grant or deny the person’s claim, unless the claimant and the public entity mutually agree to an extended period. Only after this period has passed and the public entity has denied the claim is the person injured permitted to file a lawsuit in court seeking damages. Failure to meet the claim presentation requirement, barring exceptional circumstances, results in dismissal of the lawsuit. In short, the claim presentation is not a legal action per se; rather, it gives the public entity notice and an opportunity to cure before a lawsuit is filed.

***Signing the claim form and attesting to the truth of its contents.*** At issue with this bill, as proposed to be amended, is how the initial claim presentation should be signed. Government Code Section 910 sets forth a list of elements that must be in the claim, including basic contact information, a description of the incident that caused the harm, the extent of the harm, and the damages sought (though it does not require a specific dollar amount at the claim presentation stage, unless the amount is for less than \$10,000). Section 910.2 requires that the claim “be signed” by the claimant or by some other person on the claimant’s behalf. Section 910.4 requires a public agency to provide a “form” specifying the information that must be included in the claim, and it requires the claimant to use the form provided “in order that his or her claim is deemed in conformity with Sections 910 and 910.2.”

Pursuant to Section 910.4, agencies have created forms for persons to use when presenting a claim. For example, the Department of General Services has created a standard “Government Claim” form for the State of California (DGS ORIM 006, revised 9/2025). This form requires the claimant to sign “under penalty of perjury,” and other agencies, including California State University and the Public Employment Retirement System, provide forms that require signing under penalty of perjury or simply require a declaration attesting to the truth of the contents of the claim. It is unclear how many local public agencies provide claim forms for purposes of the claim presentation, but there is nothing that would stop them from developing forms that, like the state forms, have a signature box that includes a statement that the claimant is signing under penalty of perjury or otherwise declaring the contents are true to the best of their understanding.

However, according to the author and supporters of this bill, the problem is that even though the statute says that the claimant “shall” use the form, the courts have held that a claimant is not required to use the form. A claimant could simply write out the claim without using the form, so long as the written claim includes the required elements in Section 910 and 910.2. The California Law Revision Commission, which helped draft the present statutory scheme in 1963, has long interpreted this provision in a similar way. [See 4 Cal. L. Rev. Comm. 1001 (1963) noting that “a

claimant is not required to use the form provided by the public entity; he may submit his claim in compliance with new Sections 910 and 910.2.”] Therefore, a person who does not use a form only needs to conform to the requirements in Sections 910 and 910.2, and under existing law that means they only need to sign the claim; they do not need to sign it under penalty of perjury or make any declaration as to the truth of what is asserted in the claim.

*This bill* would address this issue by amending Section 910.2 to require not only that the claim be signed, but that it be “signed by the claimant or by some person on the claimant’s behalf declaring that upon information and belief, the contents of the claim are true and correct.” In short, while a person would still not be required to use the form provided by the agency, they would be required to sign their alternate written claim with the required declaration.

*The bill in print and the author’s proposed amendment.* The bill in print would require a public employee who brings an action against a public entity to sign, *under penalty of perjury*, the initial claim presentation, as well as any pleadings submitted in a subsequent civil action. The bill in print also requires the public entity to make a report to the District Attorney if the public agency concludes that there is substantial evidence that the person who made the claim committed perjury in signing the claim. The amendments will eliminate each of these provisions for the reasons discussed below.

First, there is no need to modify well developed pleading practice. Existing law and practice already require all parties to certify the truth of all pleadings. In particular, Section 128.7 of the Code of Civil Procedures already provides that in submitting any pleadings or documents to the court, the attorney – or the party, if unrepresented – is by virtue of submitting the documents certifying that the contents are true and correct, based on sound theories of law, and not submitted for any improper purpose, such as to needlessly delay litigation and increase costs. Therefore, as proposed to be amended, the author will delete the section relating to civil pleadings.

Second, the bill in print adds a new section to the Government Code that requires a public employee presenting a claim to sign under penalty of perjury if they are seeking monetary damages against a public entity for acts or omissions arising out of the employment relationship. As noted by the opponents of the bill, this unfairly singles out public employees among all possible claimants, suggesting that they are uniquely more likely to lie when presenting a claim. When coupled with the provision requiring the agency to report suspected perjury to the District Attorney, presumably for criminal prosecution, the bill in print would have a chilling effect on employee’s willingness to report even meritorious claims. For example, would an employee – especially an unrepresented employee – assume that they could face criminal prosecutions if their allegations are not believed or proven, even if true? To be sure, one cannot be convicted of perjury simply because the things asserted turn out not to be true; one can only be convicted of perjury if the statements were knowingly false at the time they were made. However, one can certainly imagine scenarios where an employee with a meritorious claim would not be willing to take the risk. Therefore, the author has agreed to amend existing Section 910.2 – which applies to all persons filing a claim under the Government Claims Act, not just employees – to simply require a declaration that the contents are true upon the claimant’s information and belief at the time.

Third, the bill as proposed to be amended also removes the provision that requires the public agency to report suspected perjury to the District Attorney. In addition to its potentially chilling

effect, this provision is entirely unnecessary. There is nothing to stop an opposing attorney – including the public agency’s attorney – from reporting suspected perjury to the District Attorney. Similarly superfluous in the bill in print is the language that purports to authorize the District Attorney, at its discretion, to take appropriate action. District Attorneys already have that authority and discretion.

Specifically, the amendments that the author will take today do the following:

- Delete the contents of the bill in its entirety.
- Amend Government Code Section 910.2 to read as follows:

The claim shall be signed by the claimant or by some person on his the claimant’s behalf declaring that upon information and belief, the contents of the claim are true and correct. Claims against local public entities for supplies, materials, equipment or services need not be signed by the claimant or on his behalf if presented on a billhead or invoice regularly used in the conduct of the business of the claimant.

**ARGUMENTS IN SUPPORT:** Although the several cities writing in support of the bill reference the contents of the bill in print, the underlying problem, they believe, is that public entities “increasingly face claims alleging discrimination, harassment, retaliation, and wrongful termination.” They contend that these claims, even when frivolous, are used as leverage to force settlements from public entities who understandably want to avoid the time and cost of litigation. The supporters also point out that whether cities pay settlements or judgements, the money ultimately comes from taxpayers and insurance pools and diverts funds from essential government services. As the City of Carson notes:

By requiring early verification, AB 2529 can help deter knowingly false or exaggerated claims, encourage clearer evaluation of legitimate claims, reduce unnecessary litigation costs, and help stabilize public-entity insurance expenses. Just as importantly, it reinforces public confidence in fair and accountable government processes.

When a claim seeks public money, basic verification is a reasonable and limited accountability measure. AB 2529 preserves full access to justice for legitimate claimants while protecting taxpayers from avoidable costs driven by unverified allegations.

**ARGUMENTS IN OPPOSITION:** Several labor organizations oppose this bill, though as with the supporters, their letters address the bill in print and not the bill as proposed to be amended. While the proposed amendments would appear to address most of their concerns, they generally believe that existing law is sufficient to deter false claims and pleadings. The opponent’s most general concern is that employees should feel free to raise concerns about workplace violations without fear of facing additional legal exposure. The American Federation of State, County, and Municipal Employees (AFSCME) writes in opposition:

[Workers] must have the ability to raise concerns about unlawful conduct, workplace violations, and other misconduct without facing additional procedural barriers that could discourage them from seeking legal remedies when their rights have been violated. Public employees are often the first individuals to identify wrongdoing within government operations. Creating additional legal exposure for individuals seeking

redress risks discouraging employees from raising legitimate concerns and undermines accountability in public agencies

**REGISTERED SUPPORT / OPPOSITION:**

**Support**

City of Cerritos

City of Glendora

City of Hidden Hills

City of Port Hueneme

Public Risk Innovation, Solutions, and Management (PRISM)

**Opposition**

American Federation of State, County and Municipal Employees (AFSCME)

California Conference Board of the Amalgamated Transit Union

California Conference of Machinists

Teamsters California

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