

ASSEMBLY THIRD READING

AB 2529 (Johnson)

As Amended April 9, 2026

Majority vote

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.

Major Provisions**COMMENTS**

This bill requires a claim presentation under the Government Claims Act to be signed by the claimant 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; all further references are to this code) 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. An issue with this bill 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 addresses 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.

According to the Author

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.

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 opposed an earlier version of this bill that required a public employee seeking damages from a public employer to sign the claim presentation, as well as any subsequent pleadings, under penalty of perjury. The earlier version also required the public agency to refer suspected instances of perjury to the District Attorney. The amendments appear to address these concerns.

FISCAL COMMENTS

According to the Assembly Appropriations Committee, no known state costs. To the extent the declaration requirement deters fraudulent or frivolous claims against public entities, there could be minor savings to state and local governments from reduced litigation and settlement costs, but any such savings are speculative.

VOTES

ASM JUDICIARY: 11-0-1

YES: Kalra, Macedo, Bryan, Connolly, Dixon, Harabedian, Pacheco, Papan, Sanchez, Stefani, Zbur

ABS, ABST OR NV: Lee

ASM APPROPRIATIONS: 13-0-2

YES: Wicks, Hoover, Arambula, Caloza, Dixon, Fong, Mark González, Krell, Pacheco, Pellerin, Solache, Ta, Tangipa

ABS, ABST OR NV: Calderon, Muratsuchi

UPDATED

VERSION: April 9, 2026

CONSULTANT: Tom Clark / JUD. / (916) 319-2334

FN: 0002392