

Date of Hearing: May 7, 2025

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Buffy Wicks, Chair

AB 614 (Lee) – As Amended March 27, 2025

Policy Committee: Judiciary

Vote: 11 - 0

Urgency: No

State Mandated Local Program: No

Reimbursable: No

SUMMARY:

This bill extends, from six months to one year, the time period in which a person must present a claim against a government entity for death or injury to a person, personal property, or growing crops to the government entity before the person may file a civil lawsuit.

FISCAL EFFECT:

- 1) Costs (General Fund, special funds) of an unknown but likely significant amount to state entities to litigate and settle additional Government Claims Act (GCA) claims. As described in more detail below, this bill may increase the number of GCA claims filed and result in claims that have been more thoroughly investigated before submission.

At the time this analysis was prepared, the following agencies had reported costs associated with the bill:

- California Highway Patrol (CHP) anticipates “difficult to quantify” but significant costs for settlements, attorney fees, experts’ costs, and staff time to respond to additional GCA claims and resulting lawsuits, possibly in the tens of millions of dollars annually. CHP cited likely increases in jury awards and attorneys’ fees for its car accident cases, one of the most common types of CGA claims filed with CHP. CHP reports a 20% increase in these claims could result in increased costs of approximately \$3.7 million to CHP.
 - California Department of Corrections and Rehabilitation (CDCR) expects “substantial new liability” with potentially-significant fiscal impacts. The department reports it paid approximately \$1.4 million in fiscal year 2022-23 and \$430,000 in fiscal year 2023-24 in GCA claims. Assuming similar claim payments in the future, if claims increase 20% as a result of this bill, CDCR’s GCA claims payments may increase by about \$183,000 annually, not including litigation costs for contesting the additional claims.
 - Department of State Hospitals cannot project costs with certainty at this point, but an increase in GCA claims may result in additional costs in the high tens of thousands or low hundreds of thousands of dollars annually.
- 2) Local, non-reimbursable costs of an unknown but significant amount to local government entities to litigate additional GCA claims and, potentially, for increased insurance premiums.

- 3) Minor and absorbable costs to the Department of General Services to process additional claims.

COMMENTS:

- 1) **Purpose.** This bill is sponsored by Communities United for Restorative Youth Justice. According to the author:

Filing a claim against a public entity is a complex and burdensome process. Victims must first research if they have a valid claim and find the correct agency to file with. They then must gather necessary evidence and track strict deadlines, which often requires finding legal representation. The current six-month deadline for claims involving property damage, injury, or death creates an unnecessary and unreasonable obstacle to those seeking justice. Many people dealing with medical recovery, emotional distress, or financial hardship are unable to meet this short timeframe, forcing them to either rush through the process or forfeit their right to seek redress.

- 2) **Background.** The GCA governs certain civil law claims against state and local government entities. Under the GCA, a person who wishes to file a lawsuit against such a government entity must first complete an administrative claims process. The person must present their claim to the government entity they wish to sue, and the entity has 45 days to settle or reject the claim. After 45 days, if the claim is not resolved or the entity has not responded, the person may file a civil lawsuit based on the claim. Under existing law, a person must present a claim for death or injury to a person, personal property, or growing crops within six months of the harm that occurred. A claim for any other type of harm must be presented within one year of the harm. If a person fails to present their claim within the applicable deadline, the person may not pursue a lawsuit against the government entity based on the claim.

This bill extends, from six months to one year, the deadline for presenting a GCA claim for death or injury to a person, personal property, or growing crops. As described in more detail in the analysis of this bill by the Assembly Committee on Judiciary, it is not clear exactly how this change will impact the number of claims presented. It seems likely that at least some additional claims will be presented that would otherwise be barred by the existing six-month deadline. The policy committee analysis also notes that the additional time may permit better investigation of claims before they are submitted. This may result in an increase in meritorious claims that are presented – claims that make a strong case that the government entity is liable for harm – and, potentially, a decrease in unmeritorious claims presented. Actual costs cannot be predicted with certainty and will depend on the number of claims, the quality of claims, and whether government entities seek to litigate or settle claims. To the extent the bill results in additional, meritorious claims presented to government entities, there will likely be a corresponding increase in government litigation and settlement costs.

- 3) **Support and Opposition.** This bill is supported by a coalition of civil and consumer rights organizations, which writes:

The importance of this [bill's] time extension cannot be understated. For serious harms such as injury and wrongful death, six months is an

extremely short amount of time to find a reliable attorney, gather and preserve evidence, and file a claim, all while healing from injury or navigating the trauma and grief of losing a loved one. For people unfamiliar with the legal system, who come from marginalized communities, or have limited resources, this barrier is especially difficult...Just like any other actor in our society, when the government causes serious harm, the injured individual(s) should be able to seek appropriate redress in a manner that reflects a commitment to procedural fairness.

Writing in opposition, a coalition of county and local government representatives states:

Extending the tort claim process timeline from six months to one year provides little benefit to a claimant, and increases both the burden on public entities and hazards to the public. As noted, the tort claim process exists in part to provide public entities with notice of a potential claim and lawsuit so they may conduct their own internal investigation, collect and preserve evidence, and resolve claims and suits more quickly and efficiently. A longer claim process lengthens and increases costs for all these activities, particularly for litigation costs...Just as importantly, delaying the initial claim filing hinders the prompt correction of dangerous conditions, with obvious – and immediate – negative consequences for public safety.

Analysis Prepared by: Annika Carlson / APPR. / (916) 319-2081