

## Assembly Bill No. 1355

### CHAPTER 977

An act to add Section 820.21 to the Government Code, relating to liability.

[Approved by Governor October 16, 1995. Filed  
with Secretary of State October 16, 1995.]

#### LEGISLATIVE COUNSEL'S DIGEST

AB 1355, Knowles. Tort liability: public employees.

Existing law provides generally that a public employee is not liable for an injury resulting from his or her act or omission where it was the result of the exercise of his or her discretion, whether or not that discretion was abused; but that he or she is liable for injury caused by his or her actual fraud, corruption, or actual malice.

This bill would provide that the civil immunity of juvenile court social workers, child protection workers, and other public employees authorized to initiate or conduct investigations or proceedings pursuant to the juvenile court law shall not extend to acts of perjury, fabrication of evidence, failure to disclose exculpatory evidence, or obtaining testimony by duress, fraud, or undue influence if any of these acts are committed with malice, as defined.

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

SECTION 1. Section 820.21 is added to the Government Code, to read:

820.21. (a) Notwithstanding any other provision of the law, the civil immunity of juvenile court social workers, child protection workers, and other public employees authorized to initiate or conduct investigations or proceedings pursuant to Chapter 2 (commencing with Section 200) of Part 1 of Division 2 of the Welfare and Institutions Code shall not extend to any of the following, if committed with malice:

- (1) Perjury.
- (2) Fabrication of evidence.
- (3) Failure to disclose known exculpatory evidence.

(4) Obtaining testimony by duress, as defined in Section 1569 of the Civil Code, fraud, as defined in either Section 1572 or Section 1573 of the Civil Code, or undue influence, as defined in Section 1575 of the Civil Code.

(b) As used in this section, "malice" means conduct that is intended by the person described in subdivision (a) to cause injury to the plaintiff or despicable conduct that is carried on by the person



described in subdivision (a) with a willful and conscious disregard of the rights or safety of others.

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