

AMENDED IN ASSEMBLY APRIL 13, 2000

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 2377

Introduced by Assembly Member Longville

February 24, 2000

An act to add Section 4519.7 to the Welfare and Institutions Code, relating to human services.

LEGISLATIVE COUNSEL'S DIGEST

AB 2377, as amended, Longville. Regional centers: *employee liability.*

Existing law authorizes the Department of Developmental Services to enter into contracts with regional centers to provide services to persons with developmental disabilities.

This bill would limit the liability of regional centers ~~and the their employees and agents~~ *employees, as specified.*

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 4519.7 is added to the Welfare
2 and Institutions Code, to read:
3 4519.7. (a) Any regional center ~~contracting under~~
4 ~~this division, its employees, and designated agents~~
5 *employee* shall not be liable for civil damages on account
6 of an injury or death resulting from an employee's ~~or~~
7 ~~agent's~~ act or omission where the act or omission was the

1 result of the exercise of the discretion vested in him or
2 her, ~~whether or not the discretion is abused in good faith,~~
3 in carrying out the intent of this division.

4 (b) A regional center, ~~its employees, and designated~~
5 ~~agents~~ *employee* shall not be liable for damages awarded
6 under Section 3294 of the Civil Code or any other
7 damages imposed primarily for the sake of example and
8 by way of punishing the defendant.

9 (c) A regional center ~~or agency with which a regional~~
10 ~~center has contracted to provide services~~ *employee,*
11 when participating in filing a complaint or providing
12 information regarding a consumer, a consumer’s family,
13 a vendor, or facility staff, or in any other matter related
14 to this division, or participating in a judicial proceeding
15 resulting therefrom, shall be presumed to be acting in
16 good faith, and unless the presumption is rebutted, shall
17 be immune from any liability, civil or criminal, and shall
18 be immune from any penalty, sanction, or restriction that
19 might be incurred or imposed.

20 (d) ~~There shall be no liability on the part of, and no~~
21 ~~cause of action shall arise against, a regional center, its~~
22 ~~employees, or designated agents, if the agency, in making~~
23 ~~placements or referrals, acts without malice in carrying~~
24 ~~out the mandates of this division.~~

25 (e) ~~A regional center employee or designated agent~~
26 ~~acting in the scope of his or her employment is not liable~~
27 ~~for any injury caused by his or her misrepresentation,~~
28 ~~whether or not the representation is negligent or~~
29 ~~intentional, unless he or she is guilty of actual fraud,~~
30 ~~corruption, or actual malice.~~

31 (f) ~~“Malice” for purposes of this section, means~~
32 ~~conduct that is intended to cause injury to the plaintiff,~~
33 ~~or despicable conduct that is carried on with a willful and~~
34 ~~conscious disregard of the rights or safety of others.~~

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