

7/12/60

Supplement to Memorandum No. 58(1960)

Subject: Study No. 37(L) - Claims Against Public Officers and Employees.

Attached as Exhibit I is an additional paragraph that is to be added at the end of the Recommendation relating to claims against public officers and employees. Exhibit II contains a statute making a technical correction in Section 1956 of the Government Code.

The problem with which this statute deals arises primarily out of the 1959 legislation the Commission recommended with respect to claims against public entities. Section 1956 contains two references to an article of the Government Code that was repealed in 1959 on recommendation of the Law Revision Commission. The substance of the repealed article was re-enacted as Sections 800, 801 and 802 of the Government Code. The problem is aggravated by the recommendation relating to public officers and employees because we propose in that recommendation the repeal of Sections 800, 801 and 802 of the Government Code.

The proposed revision of Section 1956 will write in the definitions contained in Section 800 of the Government Code so that Section 1956 will be entirely self-contained. Ralph Kleps suggests that this is the best way to take care of the problem.

I suggested to Ralph Kleps that this would be a suitable item to include in his report on Legislation Necessary to Maintain the Codes. However, he reports that any material he picks up now will be

contained in his 1962 report, for action by the Legislature in 1963.
He suggests that the Commission make the correction as a part of
its recommendation relating to claims against public officers and
employees.

Respectfully submitted

John H. DeMouilly
Executive Secretary

EXHIBIT I

Add the following paragraph to the text of the Recommendation at the end of the Recommendation:

"The Commission also recommends that technical amendments be made in Section 1956 of the Government Code. This section contains two references to an article of the Government Code that was repealed in 1959. The substance of the repealed article was re-enacted as Sections 800, 801 and 802 of the Government Code and the Commission has herein recommended that these sections be repealed."

EXHIBIT II

An act to amend Section 1956 of the Government Code, relating to
insurance for public personnel.

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

Section 1. Section 1956 of the Government Code is amended to read:

1956. (1) The State, a county, city, district, or any other public agency or public corporation may insure its officers, deputies, assistants, agents, and employees against any liability, other than a liability which may be insured against under the provisions of Division 4 of the Labor Code, for injuries or damages resulting from their negligence or carelessness during the course of their service or employment and for the injuries or damages resulting from the dangerous or defective condition of public property, including public property as defined in ~~[Article-2]~~ subdivision (2) of this section, and due to their alleged negligence or carelessness, and the State, a school district, a county, or any municipality may insure its officers, including officers defined in ~~[Article-2]~~ subdivision (3) of this section, against any liability, other than a liability which may be insured against under the provisions of Division 4 of the Labor Code, for injuries or damages resulting from false arrest or false imprisonment, either by self-insurance, or in any insurer authorized to transact such insurance in the State (except in the case of school district governing boards to the extent they are authorized to place insurance in nonadmitted insurers by Sections 1044 and 15802 of the

Education Code). The premium for the insurance is a proper charge against the Treasury of the State, county, city, district, public agency or public corporation.

(2) In addition to the definition of public property as contained in Section 1951, "public property" includes any vehicle, implement or machinery whether owned by the State, a school district, county, or municipality, or operated by or under the direction, authority or at the request of any public officer.

(3) "Officers" includes any deputy, assistant, agent or employee of the State, a school district, county or municipality acting within the scope of his office, agency or employment.