

## IMMUNITY:

1. *Spousal Immunity*: Largely abolished or limited; some states abolish it only for intentional torts; others, for all intentional and negligent torts.
2. *Parent/Child*: Largely abolished, or limited to negligence.
3. *Charitable*: Largely abolished or limited (typically abolished for charity hospitals).
4. *Government Immunity*: This depends on whether the governmental body in question is federal, state, or local.

Federal: Federal government immunity has been diminished by the Federal Torts Claims Act (FTCA) of 1946, which allows negligence claims against the federal government along with most intentional tort claims based on actions by federal investigative or law enforcement officers.

State: Largely limited.

City: Some states make distinctions between proprietary and governmental functions, and abolish immunity for proprietary functions.

*Proprietary Functions* are functions that would normally be carried out by the private sector e.g. providing electricity or building and maintaining streets;

*Governmental Functions* are functions that are uniquely governmental e.g. police, fire, courts, public parks.

*Judges and high ranking federal officials* (e.g. cabinet members): Absolute immunity from tort liability for acts **within the scope of their duties** and immunity and this immunity is not destroyed by malice, bad faith, or any other undesirable motivation.

*State Officials*: The states are split. Some states hold officials immune from negligence; others make a distinction between ‘*discretionary*’ and ‘*ministerial*’ functions and abolish immunity for ministerial functions- while retaining immunity for discretionary functions carried out honestly and in good faith.