

AMENDED IN SENATE AUGUST 22, 2002

AMENDED IN SENATE AUGUST 13, 2002

AMENDED IN ASSEMBLY APRIL 9, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 2030

**Introduced by Assembly Member Goldberg
(Coauthors: Assembly Members Bates, Corbett, Dutra, Jackson,
Longville, Vargas, and Wayne)**

February 15, 2002

An act to amend, repeal, and add Section 527.6 of the Code of Civil Procedure, to amend, repeal, and add Section 6222 of the Family Code, and to amend, repeal, and add Section 6103.2 of the Government Code, relating to harassment.

LEGISLATIVE COUNSEL'S DIGEST

AB 2030, as amended, Goldberg. Protective orders: fees.

Existing law prohibits the imposition of a fee for filing a petition that alleges that a person has inflicted or threatened violence against the petitioner, or stalked the petitioner, or acted or spoken in any other manner that has placed the petitioner in reasonable fear of violence, and that seeks a protective or restraining order or injunction restraining stalking or future violence or threats of violence, in any action seeking a temporary restraining order and injunction prohibiting harassment.

This bill would provide that upon application of the petitioner, there is no fee for the service of process of a protective order, restraining order, or injunction if that order or injunction is based upon specified acts or threats. The bill would impose duties on the Judicial Council to

prepare and develop application forms to assist petitioners in obtaining and serving these orders.

Existing law provides that no fee may be charged for filing an application, a responsive pleading, or an order to show cause to obtain, modify, or enforce a protective order issued in connection with a proceeding involving domestic violence, marital dissolution, or a child custody matter, among other things.

This bill would prohibit a fee from being charged for filing a subpoena in connection with those applications, pleadings, or orders.

Existing law permits the sheriff or marshal, in connection with the service of process of notices, to require that all fees that a public agency or other person or entity is required to pay be prepaid prior to the performance of the official act, with certain exceptions.

This bill would exempt from this prepayment requirement, a fee for the service of process of a protective order, restraining order, or injunction involving stalking, credible threats of violence resulting from a threat of sexual assault, domestic violence, marital dissolution, or a child custody matter. The bill would permit the sheriff, marshal, or constable to submit a billing to the superior court for the payment of fees in a manner prescribed by the Judicial Council.

The changes made by this bill would be operative only until January 1, 2007.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

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

1 SECTION 1. Section 527.6 of the Code of Civil Procedure is
 2 amended to read:
 3 527.6. (a) A person who has suffered harassment as defined
 4 in subdivision (b) may seek a temporary restraining order and an
 5 injunction prohibiting harassment as provided in this section.
 6 (b) For the purposes of this section, "harassment" is unlawful
 7 violence, a credible threat of violence, or a knowing and willful
 8 course of conduct directed at a specific person that seriously
 9 alarms, annoys, or harasses the person, and that serves no
 10 legitimate purpose. The course of conduct must be such as would
 11 cause a reasonable person to suffer substantial emotional distress,
 12 and must actually cause substantial emotional distress to the
 13 plaintiff.



1 As used in this subdivision:

2 (1) “Unlawful violence” is any assault or battery, or stalking
3 as prohibited in Section 646.9 of the Penal Code, but shall not
4 include lawful acts of self-defense or defense of others.

5 (2) “Credible threat of violence” is a knowing and willful
6 statement or course of conduct that would place a reasonable
7 person in fear for his or her safety, or the safety of his or her
8 immediate family, and that serves no legitimate purpose.

9 (3) “Course of conduct” is a pattern of conduct composed of
10 a series of acts over a period of time, however short, evidencing
11 a continuity of purpose, including following or stalking an
12 individual, making harassing telephone calls to an individual, or
13 sending harassing correspondence to an individual by any means,
14 including, but not limited to, the use of public or private mails,
15 interoffice mail, fax, or computer e-mail. Constitutionally
16 protected activity is not included within the meaning of “course
17 of conduct.”

18 (c) Upon filing a petition for an injunction under this section,
19 the plaintiff may obtain a temporary restraining order in
20 accordance with Section 527, except to the extent this section
21 provides a rule that is inconsistent. A temporary restraining order
22 may be issued with or without notice upon an affidavit that, to the
23 satisfaction of the court, shows reasonable proof of harassment of
24 the plaintiff by the defendant, and that great or irreparable harm
25 would result to the plaintiff. In the discretion of the court, and on
26 a showing of good cause, a temporary restraining order *or*
27 *injunction* issued under this section may include other named
28 family or household members who reside with the plaintiff. A
29 temporary restraining order issued under this section shall remain
30 in effect, at the court’s discretion, for a period not to exceed 15
31 days, or, if the court extends the time for hearing under subdivision
32 (d), not to exceed 22 days, unless otherwise modified or terminated
33 by the court.

34 (d) Within 15 days, or, if good cause appears to the court, 22
35 days from the date the temporary restraining order is issued, a
36 hearing shall be held on the petition for the injunction. The
37 defendant may file a response that explains, excuses, justifies, or
38 denies the alleged harassment or may file a cross-complaint under
39 this section. At the hearing, the judge shall receive any testimony
40 that is relevant, and may make an independent inquiry. If the judge



1 finds by clear and convincing evidence that unlawful harassment
2 exists, an injunction shall issue prohibiting the harassment. An
3 injunction issued pursuant to this section shall have a duration of
4 not more than three years. At any time within the three months
5 before the expiration of the injunction, the plaintiff may apply for
6 a renewal of the injunction by filing a new petition for an
7 injunction under this section.

8 (e) This section does not preclude either party from
9 representation by private counsel or from appearing on the party's
10 own behalf.

11 (f) In a proceeding under this section if there are allegations or
12 threats of domestic violence, a support person may accompany a
13 party in court and, if the party is not represented by an attorney,
14 may sit with the party at the table that is generally reserved for the
15 party and the party's attorney. The support person is present to
16 provide moral and emotional support for a person who alleges he
17 or she is a victim of domestic violence. The support person is not
18 present as a legal adviser and may not provide legal advice. The
19 support person may assist the person who alleges he or she is a
20 victim of domestic violence in feeling more confident that he or
21 she will not be injured or threatened by the other party during the
22 proceedings if the person who alleges he or she is a victim of
23 domestic violence and the other party are required to be present in
24 close proximity. This subdivision does not preclude the court from
25 exercising its discretion to remove the support person from the
26 courtroom if the court believes the support person is prompting,
27 swaying, or influencing the party assisted by the support person.

28 (g) Upon filing of a petition for an injunction under this section,
29 the defendant shall be personally served with a copy of the petition,
30 temporary restraining order, if any, and notice of hearing of the
31 petition. Service shall be made at least five days before the hearing.
32 The court may for good cause, on motion of the plaintiff or on its
33 own motion, shorten the time for service on the defendant.

34 (h) The court shall order the plaintiff or the attorney for the
35 plaintiff to deliver a copy of each temporary restraining order or
36 injunction, or modification or termination thereof, granted under
37 this section, by the close of the business day on which the order was
38 granted, to the law enforcement agencies within the court's
39 discretion as are requested by the plaintiff. Each appropriate law
40 enforcement agency shall make available information as to the



1 existence and current status of these orders to law enforcement
2 officers responding to the scene of reported harassment.

3 An order issued under this section shall, on request of the
4 plaintiff, be served on the defendant, whether or not the defendant
5 has been taken into custody, by any law enforcement officer who
6 is present at the scene of reported harassment involving the parties
7 to the proceeding. The plaintiff shall provide the officer with an
8 endorsed copy of the order and a proof of service that the officer
9 shall complete and send to the issuing court.

10 Upon receiving information at the scene of an incident of
11 harassment that a protective order has been issued under this
12 section, or that a person who has been taken into custody is the
13 subject of an order, if the protected person cannot produce a
14 certified copy of the order, a law enforcement officer shall
15 immediately attempt to verify the existence of the order.

16 If the law enforcement officer determines that a protective order
17 has been issued, but not served, the officer shall immediately
18 notify the defendant of the terms of the order and shall at that time
19 also enforce the order. Verbal notice of the terms of the order shall
20 constitute service of the order and is sufficient notice for the
21 purposes of this section and for the purposes of Section 273.6 and
22 subdivision (g) of Section 12021 of the Penal Code.

23 (i) The prevailing party in any action brought under this section
24 may be awarded court costs and attorney's fees, if any.

25 (j) Any willful disobedience of any temporary restraining order
26 or injunction granted under this section is punishable pursuant to
27 Section 273.6 of the Penal Code.

28 (k) This section does not apply to any action or proceeding
29 governed by Title 1.6C (commencing with Section 1788) of the
30 Civil Code or by Division 10 (commencing with Section 6200) of
31 the Family Code. This section does not preclude a plaintiff's right
32 to use other existing civil remedies.

33 (l) The Judicial Council shall promulgate forms and
34 instructions therefor, and rules for service of process, scheduling
35 of hearings, and any other matters required by this section. The
36 petition and response forms shall be simple and concise, and their
37 use by parties in actions brought pursuant to this section shall be
38 mandatory.

39 (m) A temporary restraining order or injunction relating to
40 harassment or domestic violence issued by a court pursuant to this



1 section shall be issued on forms adopted by the Judicial Council
2 of California and that have been approved by the Department of
3 Justice pursuant to subdivision (i) of Section 6380 of the Family
4 Code. An order issued by a court pursuant to this section that was
5 not issued on forms adopted by the Judicial Council and approved
6 by the Department of Justice is not unenforceable for that reason.

7 (n) Information on any temporary restraining order or
8 injunction relating to harassment or domestic violence issued by
9 a court pursuant to this section shall be transmitted to the
10 Department of Justice in accordance with subdivision (b) of
11 Section 6380 of the Family Code.

12 (o) There shall be no filing fee for a petition that alleges that a
13 person has inflicted or threatened violence against the petitioner,
14 or stalked the petitioner, or acted or spoke in any other manner that
15 has placed the petitioner in reasonable fear of violence, and that
16 seeks a protective or restraining order or injunction restraining
17 stalking or future violence or threats of violence, in any action
18 brought pursuant to this section. No fee shall be paid for a
19 subpoena filed in connection with a petition alleging these acts. No
20 fee shall be paid for filing a response to a petition alleging these
21 acts.

22 (p) (1) Notwithstanding any other provision of law, upon the
23 application of the petitioner there shall be no fee for the service of
24 process of a protective order, restraining order, or injunction to be
25 issued, if any of the following conditions apply:

26 (A) The protective order, restraining order, or injunction issued
27 pursuant to this section is based upon stalking, as prohibited by
28 Section 646.9 of the Penal Code.

29 (B) The protective order, restraining order, or injunction issued
30 pursuant to this section is based upon a credible threat of violence
31 resulting from a threat of sexual assault. As used in this
32 subparagraph, “sexual assault” means the offenses enumerated in
33 Section 1036.2 of the Evidence Code.

34 (C) The protective order, restraining order, or injunction is
35 issued pursuant to Section 6222 of the Family Code, unless the
36 applicant is eligible for a waiver of the payment of the fee for
37 serving the order pursuant to subdivision (b) of that section.

38 (2) The Judicial Council shall prepare and develop application
39 forms for applicants who wish to avail themselves of the services
40 described in this subdivision.



1 (q) This section shall remain in effect only until January 1,
2 ~~2006~~ 2007, and as of that date is repealed, unless a later enacted
3 statute, that is enacted before January 1, ~~2006~~ 2007, deletes or
4 extends that date.

5 SEC. 2. Section 527.6 is added to the Code of Civil Procedure,
6 to read:

7 527.6. (a) A person who has suffered harassment as defined
8 in subdivision (b) may seek a temporary restraining order and an
9 injunction prohibiting harassment as provided in this section.

10 (b) For the purposes of this section, “harassment” is unlawful
11 violence, a credible threat of violence, or a knowing and willful
12 course of conduct directed at a specific person that seriously
13 alarms, annoys, or harasses the person, and that serves no
14 legitimate purpose. The course of conduct must be such as would
15 cause a reasonable person to suffer substantial emotional distress,
16 and must actually cause substantial emotional distress to the
17 plaintiff.

18 As used in this subdivision:

19 (1) “Unlawful violence” is any assault or battery, or stalking
20 as prohibited in Section 646.9 of the Penal Code, but shall not
21 include lawful acts of self-defense or defense of others.

22 (2) “Credible threat of violence” is a knowing and willful
23 statement or course of conduct that would place a reasonable
24 person in fear for his or her safety, or the safety of his or her
25 immediate family, and that serves no legitimate purpose.

26 (3) “Course of conduct” is a pattern of conduct composed of
27 a series of acts over a period of time, however short, evidencing
28 a continuity of purpose, including following or stalking an
29 individual, making harassing telephone calls to an individual, or
30 sending harassing correspondence to an individual by any means,
31 including, but not limited to, the use of public or private mails,
32 interoffice mail, fax, or computer e-mail. Constitutionally
33 protected activity is not included within the meaning of “course
34 of conduct.”

35 (c) Upon filing a petition for an injunction under this section,
36 the plaintiff may obtain a temporary restraining order in
37 accordance with Section 527, except to the extent this section
38 provides a rule that is inconsistent. A temporary restraining order
39 may be issued with or without notice upon an affidavit that, to the
40 satisfaction of the court, shows reasonable proof of harassment of



1 the plaintiff by the defendant, and that great or irreparable harm
2 would result to the plaintiff. In the discretion of the court, and on
3 a showing of good cause, a temporary restraining order issued
4 under this section may include other named family or household
5 members who reside with the plaintiff. A temporary restraining
6 order issued under this section shall remain in effect, at the court's
7 discretion, for a period not to exceed 15 days, or, if the court
8 extends the time for hearing under subdivision (d), not to exceed
9 22 days, unless otherwise modified or terminated by the court.

10 (d) Within 15 days, or, if good cause appears to the court, 22
11 days from the date the temporary restraining order is issued, a
12 hearing shall be held on the petition for the injunction. The
13 defendant may file a response that explains, excuses, justifies, or
14 denies the alleged harassment or may file a cross-complaint under
15 this section. At the hearing, the judge shall receive any testimony
16 that is relevant, and may make an independent inquiry. If the judge
17 finds by clear and convincing evidence that unlawful harassment
18 exists, an injunction shall issue prohibiting the harassment. An
19 injunction issued pursuant to this section shall have a duration of
20 not more than three years. At any time within the three months
21 before the expiration of the injunction, the plaintiff may apply for
22 a renewal of the injunction by filing a new petition for an
23 injunction under this section.

24 (e) This section does not preclude either party from
25 representation by private counsel or from appearing on the party's
26 own behalf.

27 (f) In a proceeding under this section where there are
28 allegations or threats of domestic violence, a support person may
29 accompany a party in court and, where the party is not represented
30 by an attorney, may sit with the party at the table that is generally
31 reserved for the party and the party's attorney. The support person
32 is present to provide moral and emotional support for a person who
33 alleges he or she is a victim of domestic violence. The support
34 person is not present as a legal adviser and shall not give legal
35 advice. The support person shall assist the person who alleges he
36 or she is a victim of domestic violence in feeling more confident
37 that he or she will not be injured or threatened by the other party
38 during the proceedings where the person who alleges he or she is
39 a victim of domestic violence and the other party must be present
40 in close proximity. This subdivision does not preclude the court



1 from exercising its discretion to remove the support person from
2 the courtroom if the court believes the support person is
3 prompting, swaying, or influencing the party assisted by the
4 support person.

5 (g) Upon filing of a petition for an injunction under this section,
6 the defendant shall be personally served with a copy of the petition,
7 temporary restraining order, if any, and notice of hearing of the
8 petition. Service shall be made at least five days before the hearing.
9 The court may for good cause, on motion of the plaintiff or on its
10 own motion, shorten the time for service on the defendant.

11 (h) The court shall order the plaintiff or the attorney for the
12 plaintiff to deliver a copy of each temporary restraining order or
13 injunction, or modification or termination thereof, granted under
14 this section, by the close of the business day on which the order was
15 granted, to the law enforcement agencies within the court's
16 discretion as are requested by the plaintiff. Each appropriate law
17 enforcement agency shall make available information as to the
18 existence and current status of these orders to law enforcement
19 officers responding to the scene of reported harassment.

20 An order issued under this section shall, on request of the
21 plaintiff, be served on the defendant, whether or not the defendant
22 has been taken into custody, by any law enforcement officer who
23 is present at the scene of reported harassment involving the parties
24 to the proceeding. The plaintiff shall provide the officer with an
25 endorsed copy of the order and a proof of service that the officer
26 shall complete and send to the issuing court.

27 Upon receiving information at the scene of an incident of
28 harassment that a protective order has been issued under this
29 section, or that a person who has been taken into custody is the
30 subject of an order, if the protected person cannot produce a
31 certified copy of the order, a law enforcement officer shall
32 immediately attempt to verify the existence of the order.

33 If the law enforcement officer determines that a protective order
34 has been issued, but not served, the officer shall immediately
35 notify the defendant of the terms of the order and shall at that time
36 also enforce the order. Verbal notice of the terms of the order shall
37 constitute service of the order and is sufficient notice for the
38 purposes of this section and for the purposes of Section 273.6 and
39 subdivision (g) of Section 12021 of the Penal Code.



- 1 (i) The prevailing party in any action brought under this section
2 may be awarded court costs and attorney’s fees, if any.
- 3 (j) Any willful disobedience of any temporary restraining order
4 or injunction granted under this section is punishable pursuant to
5 Section 273.6 of the Penal Code.
- 6 (k) This section does not apply to any action or proceeding
7 covered by Title 1.6C (commencing with Section 1788) of the
8 Civil Code or by Division 10 (commencing with Section 6200) of
9 the Family Code. This section does not preclude a plaintiff from
10 using other existing civil remedies.
- 11 (l) The Judicial Council shall promulgate forms and
12 instructions therefor, and rules for service of process, scheduling
13 of hearings, and any other matters required by this section. The
14 petition and response forms shall be simple and concise, and their
15 use by parties in actions brought pursuant to this section shall be
16 mandatory.
- 17 (m) A temporary restraining order or injunction relating to
18 harassment or domestic violence issued by a court pursuant to this
19 section shall be issued on forms adopted by the Judicial Council
20 of California and that have been approved by the Department of
21 Justice pursuant to subdivision (i) of Section 6380 of the Family
22 Code. However, the fact that an order issued by a court pursuant
23 to this section was not issued on forms adopted by the Judicial
24 Council and approved by the Department of Justice shall not, in
25 and of itself, make the order unenforceable.
- 26 (n) Information on any temporary restraining order or
27 injunction relating to harassment or domestic violence issued by
28 a court pursuant to this section shall be transmitted to the
29 Department of Justice in accordance with subdivision (b) of
30 Section 6380 of the Family Code.
- 31 (o) There is no filing fee for a petition that alleges that a person
32 has inflicted or threatened violence against the petitioner, or
33 stalked the petitioner, or acted or spoke in any other manner that
34 has placed the petitioner in reasonable fear of violence, and that
35 seeks a protective or restraining order or injunction restraining
36 stalking or future violence or threats of violence, in any action
37 brought pursuant to this section. No fee shall be paid for filing a
38 response to a petition alleging these acts.
- 39 (p) This section shall become operative January 1, 2007.
- 40 SEC. 3. Section 6222 of the Family Code is amended to read:



1 6222. (a) There is no filing fee for an application, a
2 responsive pleading, or an order to show cause that seeks to obtain,
3 modify, or enforce a protective order or other order authorized by
4 this division if the request for the other order is necessary to obtain
5 or give effect to a protective order. There is no fee for a subpoena
6 filed in connection with that application, responsive pleading, or
7 order to show cause.

8 (b) Fees otherwise payable by a petitioner to a law enforcement
9 agency for serving an order issued under this division may be
10 waived in any case in which the petitioner has requested a fee
11 waiver on the initiating petition and has filed a declaration that
12 demonstrates, to the satisfaction of the court, the financial need of
13 the petitioner for the fee waiver. If the petitioner is not eligible for
14 the fee waiver pursuant to this subdivision, he or she may be
15 eligible pursuant to paragraph (1) of subdivision (p) of Section
16 527.6 of the Code of Civil Procedure.

17 (c) The declaration required by subdivision (b) shall be on one
18 of the following forms:

19 (1) The form formulated and adopted by the Judicial Council
20 for litigants proceeding in forma pauperis pursuant to Section
21 68511.3 of the Government Code, but the petitioner is not subject
22 to any other requirements of litigants proceeding in forma
23 pauperis.

24 (2) Any other form that the Judicial Council may adopt for this
25 purpose pursuant to Section 6226.

26 (d) In conjunction with a hearing pursuant to this division, the
27 court may make an order for the waiver of fees otherwise payable
28 by the petitioner to a law enforcement agency for serving an order
29 issued under this division.

30 (e) This section shall remain in effect only until January 1,
31 ~~2006~~ 2007, and as of that date is repealed, unless a later enacted
32 statute, that is enacted before January 1, ~~2006~~ 2007, deletes or
33 extends that date.

34 SEC. 4. Section 6222 is added to the Family Code, to read:

35 6222. (a) There is no filing fee for an application, a
36 responsive pleading, or an order to show cause that seeks to obtain,
37 modify, or enforce a protective order or other order authorized by
38 this division when the request for the other order is necessary to
39 obtain or give effect to a protective order.



1 (b) Fees otherwise payable by a petitioner to a law enforcement
2 agency for serving an order issued under this division may be
3 waived in any case in which the petitioner has requested a fee
4 waiver on the initiating petition and has filed a declaration that
5 demonstrates, to the satisfaction of the court, the financial need of
6 the petitioner for the fee waiver.

7 (c) The declaration required by subdivision (b) shall be on one
8 of the following forms:

9 (1) The form formulated and adopted by the Judicial Council
10 for litigants proceeding in forma pauperis pursuant to Section
11 68511.3 of the Government Code, but the petitioner is not subject
12 to any other requirements of litigants proceeding in forma
13 pauperis.

14 (2) Any other form that the Judicial Council may adopt for this
15 purpose pursuant to Section 6226.

16 (d) In conjunction with a hearing pursuant to this division, the
17 court may make an order for the waiver of fees otherwise payable
18 by the petitioner to a law enforcement agency for serving an order
19 issued under this division.

20 (e) This section shall become operative January 1, 2007.

21 SEC. 5. Section 6103.2 of the Government Code is amended
22 to read:

23 6103.2. (a) Section 6103 does not apply to any fee or charge
24 or expense for official services rendered by a sheriff or marshal in
25 connection with the levy of writs of attachment, execution,
26 possession, or sale. The fee, charge, or expense may be advanced
27 to the sheriff or marshal, as otherwise required by law.

28 (b) (1) Notwithstanding Section 6103, the sheriff or marshal,
29 in connection with the service of process or notices, may require
30 that all fees which a public agency, or any person or entity, is
31 required to pay under provisions of law other than this section, be
32 prepaid by a public agency named in Section 6103, or by any
33 person or entity, prior to the performance of any official act. This
34 authority to require prepayment shall include fees governed by
35 Section 6103.5.

36 (2) This subdivision does not apply to the service of process or
37 notices in any action by the district attorney's office for the
38 establishment or enforcement of a child support obligation.

39 (3) This subdivision does not apply to a particular jurisdiction
40 unless the sheriff or marshal, as the case may be, imposes the



1 requirement of prepayment upon public agencies and upon all
2 persons or entities within the private sector.

3 (4) The requirement for prepayment of a fee deposit does not
4 apply to the orders or injunctions described in paragraph (1) of
5 subdivision (p) of Section 527.6 of the Code of Civil Procedure.
6 However, a sheriff, marshal, or constable may submit a billing to
7 the superior court for payment of fees in the manner prescribed by
8 the Judicial Council. The fees for service, cancellation of service,
9 and making a not found return may not exceed the amounts
10 provided in Sections 26721, 26736, and 26738, respectively, and
11 are subject to the provisions of Section 26731.

12 (c) This section shall remain in effect only until January 1,
13 ~~2006~~ 2007, and as of that date is repealed, unless a later enacted
14 statute, that is enacted before January 1, ~~2006~~ 2007, deletes or
15 extends that date.

16 SEC. 6. Section 6103.2 is added to the Government Code, to
17 read:

18 6103.2. (a) Section 6103 does not apply to any fee or charge
19 or expense for official services rendered by a sheriff or marshal in
20 connection with the levy of writs of attachment, execution,
21 possession, or sale. The fee, charge, or expense may be advanced
22 to the sheriff or marshal, as otherwise required by law.

23 (b) (1) Notwithstanding Section 6103, the sheriff or marshal,
24 in connection with the service of process or notices, may require
25 that all fees which a public agency, or any person or entity, is
26 required to pay under provisions of law other than this section, be
27 prepaid by a public agency named in Section 6103, or by any
28 person or entity, prior to the performance of any official act. This
29 authority to require prepayment shall include fees governed by
30 Section 6103.5.

31 (2) This subdivision does not apply to the service of process or
32 notices in any action by the district attorney's office for the
33 establishment or enforcement of a child support obligation.

34 (3) This subdivision does not apply to a particular jurisdiction
35 unless the sheriff or marshal, as the case may be, imposes the
36 requirement of prepayment upon public agencies and upon all
37 persons or entities within the private sector.

38 (c) This section shall become operative January 1, 2007.

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