

AMENDED IN SENATE JANUARY 23, 2006

AMENDED IN SENATE JANUARY 11, 2006

AMENDED IN SENATE APRIL 11, 2005

**SENATE BILL**

**No. 432**

**Introduced by Senator Alquist**

February 17, 2005

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An act to amend Sections ~~26720.9, 26721,~~ 26721.2 and 26750 of the Government Code, relating to county fees.

LEGISLATIVE COUNSEL'S DIGEST

SB 432, as amended, Alquist. County fees.

Existing law specifically authorizes the county board of supervisors to increase or decrease fees and charges with specified exceptions, such as fees for the performance of services by the sheriff.

This bill would increase from \$30 to \$35 sheriffs' fees for serving ~~process or notice, serving, executing, or processing writs or orders to take possession of property, serving a writ of possession of real property on an occupant and putting a person in possession of the premises a summons for an action commenced in superior court and related documents and notices,~~ and would increase from \$25 to \$30 the fee for serving an earnings withholding order.

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 26720.9 of the Government Code is~~
- 2 ~~amended to read:~~

1 ~~26720.9. Notwithstanding any other provision of law, the~~  
2 ~~amounts set forth in Sections 26721.1, 26725, 26728, 26734,~~  
3 ~~26742, and 26743 shall be increased to thirty dollars (\$30) on~~  
4 ~~January 1, 2001.~~

5 ~~SEC. 2. Section 26721 of the Government Code is amended~~  
6 ~~to read:~~

7 ~~26721. Except as provided in this article, the fee for serving~~  
8 ~~or executing any process or notice required by law or the litigants~~  
9 ~~to be served shall be thirty-five dollars (\$35), and there shall be~~  
10 ~~no additional fee for substitute service when substitute service is~~  
11 ~~authorized.~~

12 ~~However, no fee shall be charged for serving an emergency~~  
13 ~~protective order, protective order, or restraining order issued~~  
14 ~~pursuant to the Domestic Violence Prevention Act (Division 10~~  
15 ~~(commencing with Section 6200)) of the Family Code on a~~  
16 ~~respondent who is in custody.~~

17 ~~In any case where property has been levied upon and, pursuant~~  
18 ~~to the levy, a copy of the writ of execution and a notice of levy are~~  
19 ~~required by statute to be served either personally or by mail upon~~  
20 ~~the judgment debtor or other person, no fee shall be charged for~~  
21 ~~that service.~~

22 ~~SECTION 1. Section 26721.2 of the Government Code is~~  
23 ~~amended to read:~~

24 ~~26721.2. For any action commenced in the superior court, the~~  
25 ~~fee for the service of the summons, the complaint for which the~~  
26 ~~summons is issued, and all other documents or notices required to~~  
27 ~~be served with the summons and complaint, is ~~thirty~~ thirty-five~~  
28 ~~dollars-(\$30) (\$35).~~

29 ~~SEC. 3.~~

30 ~~SEC. 2. Section 26750 of the Government Code is amended~~  
31 ~~to read:~~

32 ~~26750. (a) The fee for serving an earnings withholding order~~  
33 ~~under the Wage Garnishment Law (Chapter 5 (commencing with~~  
34 ~~Section 706.010) of Division 2 of Title 9 of Part 2 of the Code of~~  
35 ~~Civil Procedure), including but not limited to, the costs of postage~~  
36 ~~or traveling, and for performing all other duties of the levying~~  
37 ~~officer under that law with respect to the levy shall be thirty dollars~~  
38 ~~(\$30).~~

39 ~~(b) Except as provided in Section 26746, no additional fees,~~  
40 ~~costs, or expenses may be charged by the levying officer for~~

- 1 performing the duties under the Wage Garnishment Law (Chapter
- 2 5 (commencing with Section 706.010) of Division 2 of Title 9 of
- 3 Part 2 of the Code of Civil Procedure).

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