

AMENDED IN ASSEMBLY MARCH 22, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1720**

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**Introduced by Assembly Member Torres**

February 16, 2012

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An act to amend Section 415.21 of the Code of Civil Procedure, relating to civil procedure.

LEGISLATIVE COUNSEL'S DIGEST

AB 1720, as amended, Torres. Service of process: private investigators.

Existing law requires a person to be granted access to a gated community for a reasonable period of time for the purpose of performing lawful service of process or service of a subpoena, upon identifying to the guard the person or persons to be served, and upon displaying a current driver's license or other identification and specified documentation to show the individual is either acting as a representative of a county sheriff or marshal or is a registered process server.

This bill would also require a person to be granted access to a gated community for service of process, under the circumstances described above, upon displaying evidence of licensure as a private investigator. *This bill would state that it is not the intent of the Legislature in enacting this act to abrogate or modify the holding of the court in Bein v. Brechtel-Jochim Group, Inc. (1992) 6 Cal.App.4th 1387, relating to service upon a guard in a gated community.*

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 415.21 of the Code of Civil Procedure  
2 is amended to read:

3 415.21. (a) Notwithstanding any other ~~provision of~~ law, any  
4 person shall be granted access to a gated community for a  
5 reasonable period of time for the *sole* purpose of performing lawful  
6 service of process or service of a subpoena, upon identifying to  
7 the guard the person or persons to be served, and upon displaying  
8 a current driver's license or other identification, and one of the  
9 following:

10 (1) A badge or other confirmation that the individual is acting  
11 in his or her capacity as a representative of a county sheriff or  
12 marshal.

13 (2) Evidence of current registration as a process server pursuant  
14 to Chapter 16 (commencing with Section 22350) of Division 8 of  
15 the Business and Professions Code or of licensure as a private  
16 investigator pursuant to Chapter 11.3 (commencing with Section  
17 7512) of Division 3 of the Business and Professions Code.

18 (b) This section shall only apply to a gated community that is  
19 staffed at the time service of process is attempted by a guard or  
20 other security personnel assigned to control access to the  
21 community.

22 *SEC. 2. In enacting Section 1 of this act, which amends Section*  
23 *415.21 of the Code of Civil Procedure, it is not the intent of the*  
24 *Legislature to abrogate or modify the holding of the court in* *Bein*  
25 *v. Brechtel-Jochim Group, Inc. (1992) 6 Cal.App.4th 1387, relating*  
26 *to service upon a guard in a gated community.*

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