

Assembly Bill No. 1720

CHAPTER 113

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

[Approved by Governor July 13, 2012. Filed with
Secretary of State July 13, 2012.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1720, 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.

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

SECTION 1. Section 415.21 of the Code of Civil Procedure is amended to read:

415.21. (a) Notwithstanding any other law, any person shall be granted access to a gated community for a reasonable period of time for the sole 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 one of the following:

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

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

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

SEC. 2. In enacting Section 1 of this act, which amends Section 415.21 of the Code of Civil Procedure, it is not the intent of the Legislature 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.