

AMENDED IN SENATE MAY 29, 2014
AMENDED IN ASSEMBLY MARCH 28, 2014
AMENDED IN ASSEMBLY MARCH 18, 2014
CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2256

Introduced by Assembly Member Garcia

February 21, 2014

An act to amend Sections 262.7, ~~415.21, 415.95, 491.160, 684.115, 708.170, and 1993~~ and 415.21 of the Code of Civil Procedure, and to amend Sections 6103.3, 26720.9, 26721, 26721.2, 26722, 26723, 26725.1, 26726, 26727, 26728.1, 26729, 26730, 26731, 26733.5, 26736, 26738, 26740, 26741, 26744.5, 26746, 26746.1, and 26750 of, and to repeal Section 26744 of, of the Government Code, relating to civil procedure.

LEGISLATIVE COUNSEL'S DIGEST

AB 2256, as amended, Garcia. Civil procedure: service and fees: sheriffs.

(1) In an action against a sheriff, existing law provides that any person who is a citizen of the United States over the age of 18 years is authorized to serve all process and orders in that action, as specified.

This bill would instead authorize any person to serve all process and orders in an action against a sheriff.

~~(2) Existing law establishes the procedures by which a person or business organization may be served a summons and complaint in a civil action. Existing law authorizes service on a business organization, form unknown, by leaving a copy of the summons and complaint during~~

usual office hours and by mailing a copy of the summons and complaint, as specified.

~~This bill would prohibit a sheriff or marshal from serving a summons on a business organization without ascertaining the form of the organization.~~

~~(3)~~

(2) Existing law requires, when a gated community is staffed by a guard or other security personnel assigned to control access to the community, that a person be granted access to the gated community for a reasonable period of time to perform service of process or service of a subpoena, as specified.

This bill would delete those provisions and instead require a county sheriff, marshal, registered process server, or licensed private investigator to be granted access to a gated community for a reasonable period of time to perform service of process or service of a subpoena, regardless of whether there is a guard or other security personnel present.

~~(4) Existing law establishes procedures for service of various legal processes on financial institutions, and establishes procedures for service of process and execution of levies at a financial institution's central locations and other branches. Existing law prohibits service of legal process at a location other than a central location unless the financial institution elects to act upon the process as if it were effective, and authorizes a financial institution to respond to the legal process in the absence of an election, as specified.~~

This bill would instead require the financial institution to respond to the legal process, as specified, if service of legal process is ineffective.

~~(5) Existing law permits a court, in specified circumstances in civil actions for attachment and enforcement of judgments, to issue a warrant when a person fails to appear for an examination as ordered by the court and permits the court to punish that person for contempt. Existing law establishes fees for serving and executing these bench warrants. Existing law establishes procedures, as specified, as an alternative to issuing a warrant for contempt, pursuant to which a court may issue an arrest warrant for a witness who failed to appear pursuant to a subpoena or a person who failed to appear pursuant to a court order. Existing law specifies the contents of the arrest warrant, including a command to bring the person to be arrested before the court for the setting of bail in the amount of the warrant, or to release on the person's own recognizance.~~

~~This bill would allow a bench warrant to be directed to any peace officer, and would delete the provision establishing fees for serving or executing a bench warrant. The bill also would remove the requirement that bail be set in the amount of the arrest warrant.~~

(6)

(3) Existing law authorizes a sheriff or marshal, for any order or injunction relating to harassment, workplace violence, domestic violence, or elder abuse, for which the sheriff or marshal provides service of process, to notify the protected person by electronic or telephonic means that the order or injunction has been served on the restrained person, as specified.

This bill would remove the requirement that an order or injunction be related to harassment, workplace violence, domestic violence, or elder abuse, and would authorize the sheriff to, ~~in lieu of or in addition to providing notice by electronic or telephonic means, to publish to provide the notification by publishing~~ notice of service of process on the sheriff’s Internet Web site.

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

3 262.7. If an action is begun against a sheriff, all process and
4 orders may be served by any person in the manner provided in this
5 code.

6 SEC. 2. Section 415.21 of the Code of Civil Procedure is
7 amended to read:

8 415.21. Notwithstanding any other law, a county sheriff,
9 marshal, process server registered pursuant to Chapter 16
10 (commencing with Section 22350) of Division 8 of the Business
11 and Professions Code, or private investigator licensed pursuant to
12 Chapter 11.3 (commencing with Section 7512) of Division 3 of
13 the Business and Professions Code shall be granted access to a
14 gated community for a reasonable period of time for the purpose
15 of performing lawful service of process or service of a subpoena.

16 ~~SEC. 3. Section 415.95 of the Code of Civil Procedure is~~
17 ~~amended to read:~~

1 ~~415.95.—(a) A summons may be served on a business~~
2 ~~organization, form unknown, by leaving a copy of the summons~~
3 ~~and complaint during usual office hours with the person who is~~
4 ~~apparently in charge of the office of that business organization,~~
5 ~~and by thereafter mailing a copy of the summons and complaint~~
6 ~~by first-class mail, postage prepaid, to the person to be served at~~
7 ~~the place where a copy of the summons and complaint was left.~~
8 ~~Service of a summons in this manner is deemed complete on the~~
9 ~~10th day after the mailing.~~

10 ~~(b) Service of a summons pursuant to this section is not valid~~
11 ~~for a corporation with a registered agent for service of process~~
12 ~~listed with the Secretary of State.~~

13 ~~(c) This section shall not apply to service of a summons and~~
14 ~~complaint on a business organization, form unknown, by a sheriff~~
15 ~~or marshal.~~

16 ~~SEC. 4. Section 491.160 of the Code of Civil Procedure is~~
17 ~~amended to read:~~

18 ~~491.160.—(a) If an order requiring a person to appear for an~~
19 ~~examination was served by a sheriff, marshal, a person specially~~
20 ~~appointed by the court in the order, or a registered process server,~~
21 ~~and the person fails to appear:~~

22 ~~(1) The court may do either of the following:~~

23 ~~(A) Pursuant to a warrant directed to any peace officer, have~~
24 ~~the person brought before the court to answer for the failure to~~
25 ~~appear and may punish the person for contempt.~~

26 ~~(B) Issue a warrant for the arrest of the person who failed to~~
27 ~~appear as required by the court order, pursuant to Section 1993.~~

28 ~~(2) If the person's failure to appear is without good cause, the~~
29 ~~plaintiff shall be awarded reasonable attorney's fees incurred in~~
30 ~~the examination proceeding.~~

31 ~~(b) A person who willfully makes an improper service of an~~
32 ~~order for an examination which subsequently results in the arrest~~
33 ~~pursuant to subdivision (a) of the person who fails to appear is~~
34 ~~guilty of a misdemeanor.~~

35 ~~SEC. 5. Section 684.115 of the Code of Civil Procedure is~~
36 ~~amended to read:~~

37 ~~684.115.—(a) A financial institution may, and if it has more~~
38 ~~than nine branches or offices at which it conducts its business~~
39 ~~within this state shall, designate one or more central locations for~~
40 ~~service of legal process within this state. Each designated location~~

1 shall be referred to as a “central location.” If a financial institution
2 elects or is required to designate a central location for service of
3 legal process, the financial institution shall file a notice of its
4 designation with the Department of Financial Institutions, which
5 filing shall be effective upon filing and shall contain all of the
6 following:

7 (1) The physical address of the central location.

8 (2) The days and hours during which service will be accepted
9 at the central location.

10 (3) If the central location will not accept service of legal process
11 directed at deposit accounts maintained or property held at all of
12 the financial institution’s branches or offices within this state, or
13 if the service accepted at the central location will not apply to
14 safe-deposit boxes or other property of the judgment debtor held
15 by or for the judgment debtor, the filing shall also contain sufficient
16 information to permit a determination of the limitation or
17 limitations, including, in the case of a limitation applicable to
18 certain branches or offices, an identification of the branches or
19 offices as to which service at the central location will not apply
20 and the nature of the limitation applicable to those branches or
21 offices. If the limitation will apply to all branches or offices of the
22 financial institution within this state, the filing may indicate the
23 nature of the limitation and that it applies to all branches or offices;
24 in lieu of an identification of branches or offices as to which the
25 limitation applies. To the extent that a financial institution’s
26 designation of a central location for service of legal process covers
27 the process directed at deposit accounts, safe-deposit boxes, or
28 other property of the judgment debtor held by or for the judgment
29 debtor at a particular branch or office located within this state, the
30 branch or office shall be a branch or office covered by central
31 process.

32 (b) If a financial institution required to designate a central
33 location fails to do so, each branch of that institution located in
34 this state shall be deemed to be a central location at which service
35 of legal process may be made, and all of the institution’s branches
36 or offices located within this state shall be deemed to be a branch
37 or office covered by central process.

38 (c) Subject to any limitation noted pursuant to paragraph (3) of
39 subdivision (a), service of legal process at a central location of a
40 financial institution shall be effective against all deposit accounts

1 and all property held for safekeeping, as collateral for an obligation
2 owed to the financial institution or in a safe-deposit box if the same
3 is described in the legal process and held by the financial institution
4 at any branch or office covered by central process and located
5 within this state. However, while service of legal process at the
6 central location will establish a lien on all property, if any property
7 other than deposit accounts is physically held by the financial
8 institution in a county other than that in which the designated
9 central location is located, the financial institution shall include in
10 its garnishee's memorandum the location or locations of the
11 property, and the judgment creditor shall obtain a writ of execution
12 covering the property and directed to the levying officer in that
13 county to accomplish the turnover of the property and shall forward
14 the writ and related required documentation to the levying officer
15 in the county in which the property is held.

16 (d) A financial institution may modify or revoke any designation
17 made pursuant to subdivision (a) by filing the modification or
18 revocation with the Department of Financial Institutions. The
19 modification or revocation shall be effective when the Department
20 of Financial Institutions' records have been updated to reflect the
21 modification or revocation, provided that the judgment creditor
22 may rely upon the superseded designation during the 30-day period
23 following the effective date of the revocation or modification.

24 (e) (1) The Department of Financial Institutions shall update
25 its online records to reflect a filing by a financial institution
26 pursuant to subdivision (a) or a modification or revocation filed
27 by a financial institution pursuant to subdivision (d) within 10
28 business days following the filing by the financial institution. The
29 Department of Financial Institutions' Internet Web site shall reflect
30 the date its online records for each financial institution have most
31 recently been updated.

32 (2) The Department of Financial Institutions shall provide any
33 person requesting it with a copy of each current filing made by a
34 financial institution pursuant to subdivision (a). The Department
35 of Financial Institutions may satisfy its obligation under this
36 subdivision by posting all current designations of a financial
37 institution, or the pertinent information therein, on an Internet Web
38 site available to the public without charge, and if that information
39 is made available, the Department of Financial Institutions may

1 ~~impose a reasonable fee for furnishing that information in any~~
2 ~~other manner.~~

3 ~~(f) As to deposit accounts maintained or property held for~~
4 ~~safekeeping, as collateral for an obligation owed to the financial~~
5 ~~institution or in a safe-deposit box at a branch or office covered~~
6 ~~by central process, service of legal process at a location other than~~
7 ~~a central location designated by the financial institution shall not~~
8 ~~be effective unless the financial institution, in its absolute~~
9 ~~discretion, elects to act upon the process at that location as if it~~
10 ~~were effective. If the service of legal process is ineffective, the~~
11 ~~financial institution shall respond to the legal process by mailing~~
12 ~~or delivery of the garnishee's memorandum to the levying officer~~
13 ~~within the time otherwise provided therefor, with a statement on~~
14 ~~the garnishee's memorandum that the legal process was not~~
15 ~~properly served at the financial institution's designated location~~
16 ~~for receiving legal process, and, therefore, was not processed, and~~
17 ~~the address at which the financial institution is to receive legal~~
18 ~~process.~~

19 ~~(g) If any legal process is served at a central location of a~~
20 ~~financial institution pursuant to this section, all related papers to~~
21 ~~be served on the financial institution shall be served at that location,~~
22 ~~unless agreed to the contrary between the serving party and the~~
23 ~~financial institution.~~

24 ~~(h) This subdivision shall apply whenever a financial institution~~
25 ~~operates within this state at least one branch or office in addition~~
26 ~~to its head office or main office, as applicable, or a financial~~
27 ~~institution headquartered in another state operates more than one~~
28 ~~branch or office within this state, and no central location has been~~
29 ~~designated or deemed to have been designated by the institution~~
30 ~~for service of legal process relating to deposit accounts maintained~~
31 ~~at the financial institution's head office or main office, as~~
32 ~~applicable, and branches located within this state. If a judgment~~
33 ~~creditor reasonably believes that, pursuant to Section 700.140 and,~~
34 ~~if applicable, Section 700.160, any act of enforcement would be~~
35 ~~effective against a specific deposit account maintained at a financial~~
36 ~~institution described in this subdivision, the judgment creditor may~~
37 ~~file with the financial institution a written request that the financial~~
38 ~~institution identify the branch or office within this state at which~~
39 ~~a specified account might be maintained by the financial institution.~~

1 The written request shall contain the following statements or
2 information:

3 (1) The name of the person reasonably believed by the judgment
4 creditor to be a person in whose name the specified deposit account
5 stands:

6 (2) If the name of the person reasonably believed by the
7 judgment creditor to be a person in whose name the specified
8 deposit account stands is not a judgment debtor identified in the
9 writ of execution, a statement that a person reasonably believed
10 by the judgment creditor to be a person in whose name the specified
11 deposit account stands will be appropriately identified in the legal
12 process to be served pursuant to Section 700.160, including any
13 supplementary papers, such as a court order or affidavit if the same
14 will be required by Section 700.160:

15 (3) The specific identifying number of the account reasonably
16 believed to be maintained with the financial institution and standing
17 in the name of the judgment debtor or other person.

18 (4) The address of the requesting party.

19 (5) An affidavit by the judgment creditor or the judgment
20 creditor's counsel stating substantially the following:

21 -

22 I hereby declare that this deposit account location request
23 complies with Section 684.115 of the Code of Civil Procedure,
24 that the account or accounts of the judgment debtor or other person
25 or persons appropriately identified in the legal process and
26 specified herein are subject to a valid writ of execution, or court
27 order, that I have a reasonable belief, formed after an inquiry
28 reasonable under the circumstances, that the financial institution
29 receiving this deposit account location request has an account
30 standing in the name of the judgment debtor or other person or
31 persons appropriately identified in the legal process, and that
32 information pertaining to the location of the account will assist the
33 judgment creditor in enforcing the judgment.

34 -

35 (i) The affidavit contemplated by subdivision (h) shall be signed
36 by the judgment creditor or the judgment creditor's counsel and
37 filed at the financial institution's head office located within this
38 state or, if the financial institution's head office is in another state,
39 at one of its branches or offices within this state. Failure to comply
40 with the requirements of subdivision (h) and this subdivision shall

1 be sufficient basis for the financial institution to refuse to produce
2 the information that would otherwise be required by subdivision
3 (j):

4 (j) ~~Within 10 banking days following receipt by a financial~~
5 ~~institution at the applicable location specified in subdivision (i) of~~
6 ~~a request contemplated by subdivision (h), as to each specific~~
7 ~~deposit account identified in the request contemplated by~~
8 ~~subdivision (h), the financial institution shall respond by mailing,~~
9 ~~by first-class mail with postage prepaid, to the requester's address~~
10 ~~as specified in the request a response indicating the branch or office~~
11 ~~location of the financial institution at which the specified deposit~~
12 ~~account might be maintained, or, if the specified deposit account,~~
13 ~~if it exists, would not be maintained at a specific location, at least~~
14 ~~one place within this state at which legal process relating to the~~
15 ~~deposit account should or may be served. The response to be~~
16 ~~furnished pursuant to this subdivision shall not require the financial~~
17 ~~institution to determine whether an account exists or, if an account~~
18 ~~does exist, whether it would be reached by the legal process.~~
19 ~~Rather, the branch or office location shall be determined and~~
20 ~~reported by the financial institution based solely upon its~~
21 ~~determination that an account with the identifying number provided~~
22 ~~by the requester would be maintained at that branch if an account~~
23 ~~did exist, and the response shall not contain any information about~~
24 ~~the name in which the account stands or any other information~~
25 ~~concerning the account, if it exists. If more than one account~~
26 ~~number is specified in the request, the financial institution's~~
27 ~~responses as to some or all of those account numbers may be~~
28 ~~combined in a single writing.~~

29 (k) ~~A response furnished in good faith by the financial institution~~
30 ~~pursuant to subdivision (j) shall not be deemed to violate the~~
31 ~~privacy of any person in whose name the specified deposit account~~
32 ~~stands nor the privacy of any other person, and shall not require~~
33 ~~the consent of the person in whose name the account stands nor~~
34 ~~that of any other person.~~

35 (l) ~~A financial institution shall not notify the person in whose~~
36 ~~name the specified deposit account stands or any other person~~
37 ~~related to the specified account of the receipt of a request made~~
38 ~~pursuant to subdivision (h) that affects that person's or persons'~~
39 ~~accounts at the financial institution, provided that the financial~~

1 institution shall have no liability for its failure to comply with the
2 provisions of this subdivision.

3 ~~SEC. 6. Section 708.170 of the Code of Civil Procedure is~~
4 ~~amended to read:~~

5 ~~708.170. (a) If an order requiring a person to appear for an~~
6 ~~examination was served by a sheriff, marshal, a person specially~~
7 ~~appointed by the court in the order, or a registered process server,~~
8 ~~and the person fails to appear:~~

9 ~~(1) The court may do either of the following:~~

10 ~~(A) Pursuant to a warrant directed to any peace officer, have~~
11 ~~the person brought before the court to answer for the failure to~~
12 ~~appear and may punish the person for contempt.~~

13 ~~(B) Issue a warrant for the arrest of the person who failed to~~
14 ~~appear as required by the court order, pursuant to Section 1993.~~

15 ~~(2) If the person's failure to appear is without good cause, the~~
16 ~~judgment creditor shall be awarded reasonable attorney's fees~~
17 ~~incurred in the examination proceeding. Attorney's fees awarded~~
18 ~~against the judgment debtor shall be added to and become part of~~
19 ~~the principal amount of the judgment.~~

20 ~~(b) A person who willfully makes an improper service of an~~
21 ~~order for an examination which subsequently results in the arrest~~
22 ~~pursuant to subdivision (a) of the person who fails to appear is~~
23 ~~guilty of a misdemeanor.~~

24 ~~SEC. 7. Section 1993 of the Code of Civil Procedure is~~
25 ~~amended to read:~~

26 ~~1993. (a) (1) As an alternative to issuing a warrant for~~
27 ~~contempt pursuant to paragraph (5) or (9) of subdivision (a) of~~
28 ~~Section 1209, the court may issue a warrant for the arrest of a~~
29 ~~witness who failed to appear pursuant to a subpoena or a person~~
30 ~~who failed to appear pursuant to a court order. The court, upon~~
31 ~~proof of the service of the subpoena or order, may issue a warrant~~
32 ~~to the sheriff of the county in which the witness or person may be~~
33 ~~located and the sheriff shall, upon payment of fees as provided in~~
34 ~~Section 26744.5 of the Government Code, arrest the witness or~~
35 ~~person and bring him or her before the court.~~

36 ~~(2) Before issuing a warrant for a failure to appear pursuant to~~
37 ~~a subpoena pursuant to this section, the court shall issue a "failure~~
38 ~~to appear" notice informing the person subject to the subpoena~~
39 ~~that a failure to appear in response to the notice may result in the~~
40 ~~issuance of a warrant. This notice requirement may be omitted~~

1 only upon a showing that the appearance of the person subject to
2 the subpoena is material to the case and that urgency dictates the
3 person's immediate appearance.

4 ~~(b) The warrant shall contain all of the following:~~

5 ~~(1) The title and case number of the action.~~

6 ~~(2) The name and physical description of the person to be~~
7 ~~arrested.~~

8 ~~(3) The last known address of the person to be arrested.~~

9 ~~(4) The date of issuance and county in which it is issued.~~

10 ~~(5) The signature or name of the judicial officer issuing the~~
11 ~~warrant, the title of his or her office, and the name of the court.~~

12 ~~(6) A command to arrest the person for failing to appear pursuant~~
13 ~~to the subpoena or court order, and specifying the date of service~~
14 ~~of the subpoena or court order.~~

15 ~~(7) A command to bring the person to be arrested before the~~
16 ~~issuing court, or the nearest court if in session, for the setting of~~
17 ~~bail or to release on the person's own recognizance. A person so~~
18 ~~arrested shall be released from custody if he or she cannot be~~
19 ~~brought before the court within 12 hours of arrest, and the person~~
20 ~~shall not be arrested if the court will not be in session during the~~
21 ~~12-hour period following the arrest.~~

22 ~~(8) A statement indicating the expiration date of the warrant as~~
23 ~~determined by the court.~~

24 ~~(9) The amount of bail.~~

25 ~~(10) An endorsement for nighttime service if good cause is~~
26 ~~shown, as provided in Section 840 of the Penal Code.~~

27 ~~(11) A statement indicating whether the person may be released~~
28 ~~upon a promise to appear, as provided by Section 1993.1. The~~
29 ~~court shall permit release upon a promise to appear, unless it makes~~
30 ~~a written finding that the urgency and materiality of the person's~~
31 ~~appearance in court precludes use of the promise to appear process.~~

32 ~~(12) The date and time to appear in court if arrested and released~~
33 ~~pursuant to paragraph (11).~~

34 ~~SEC. 8.~~

35 *SEC. 3.* Section 6103.3 of the Government Code is amended
36 to read:

37 6103.3. (a) (1) For any order or injunction described in
38 paragraph (4) of subdivision (b) of Section 6103.2, the sheriff or
39 marshal may notify the protected person by electronic or telephonic
40 means within 24 hours after service of process that the order or

1 injunction has been served on the restrained person, including the
 2 date and time when the order or injunction was served, if the
 3 protected person has requested this notification and has registered
 4 a telephone number or e-mail *email* address at which the protected
 5 person may be contacted for this purpose.

6 (2) The sheriff may provide the notification described in
 7 subdivision (a) via an automated statewide victim information and
 8 notification system if the sheriff has access to that system, his or
 9 her county participates in that system, and local, state, or federal
 10 funds are made available for the operation of that system.

11 (b) ~~A Notwithstanding subdivision (a), the sheriff may, in lieu~~
 12 ~~of or in addition to providing~~ *provide* the notification described in
 13 subdivision (a), ~~publish (a) by publishing the~~ notice of service of
 14 process on the sheriff’s Internet Web site.

15 (c) If the sheriff participates in the notification program
 16 authorized under this section and the service of process is provided
 17 by a marshal, the marshal shall promptly inform the sheriff of the
 18 date and time when the order or injunction was served, and the
 19 sheriff shall provide the notice described in subdivision (a) to the
 20 protected person.

21 ~~SEC. 9.~~

22 *SEC. 4.* Section 26720.9 of the Government Code is amended
 23 to read:

24 26720.9. Notwithstanding any other law, the amounts set forth
 25 in Sections 26721, 26721.1, 26725, 26728, 26734, 26742, and
 26 26743 shall be forty dollars (\$40).

27 ~~SEC. 10.~~

28 *SEC. 5.* Section 26721 of the Government Code is amended
 29 to read:

30 26721. (a) Except as provided in this article, the fee for serving
 31 or executing any process or notice required by law or the litigants
 32 to be served shall be the amount described in Section 26720.9, and
 33 there shall be no additional fee for substitute service when
 34 substitute service is authorized.

35 (b) In any case where property has been levied upon and,
 36 pursuant to the levy, a copy of the writ of execution and a notice
 37 of levy are required by statute to be served either personally or by
 38 mail upon the judgment debtor or other person, a fee shall not be
 39 charged for that service.

1 ~~SEC. 11.~~

2 *SEC. 6.* Section 26721.2 of the Government Code is amended
3 to read:

4 26721.2. (a) For any action commenced in the superior court,
5 the fee for the service of the summons, the complaint for which
6 the summons is issued, and all other documents or notices required
7 to be served with the summons and complaint, is forty dollars
8 (\$40).

9 (b) The fee for cancellation of the service of a summons prior
10 to its completion is forty dollars (\$40).

11 (c) The fee for making a not-found return on a summons
12 certifying that the person cannot be found at the address specified
13 is forty dollars (\$40).

14 ~~SEC. 12.~~

15 *SEC. 7.* Section 26722 of the Government Code is amended
16 to read:

17 26722. The fee for serving, executing, or processing any writ
18 or order where the levying officer is required to take immediate
19 possession of the property levied upon is one hundred dollars
20 (\$100).

21 ~~SEC. 13.~~

22 *SEC. 8.* Section 26723 of the Government Code is amended
23 to read:

24 26723. The fee for opening a safe-deposit box pursuant to
25 Sections 488.460 and 700.150 of the Code of Civil Procedure is
26 one hundred thirty-five dollars (\$135).

27 ~~SEC. 14.~~

28 *SEC. 9.* Section 26725.1 of the Government Code is amended
29 to read:

30 26725.1. The fee for serving or posting any additionally
31 required notices or orders on other parcels is twenty dollars (\$20)
32 each.

33 ~~SEC. 15.~~

34 *SEC. 10.* Section 26726 of the Government Code is amended
35 to read:

36 26726. (a) The fee for keeping and caring for property under
37 a writ of attachment, execution, possession, or sale is one hundred
38 forty dollars (\$140) when necessarily employed for any eight-hour
39 period or any part thereof. If an additional keeper or keepers are
40 required during these periods, the fee for the additional keeper or

1 keepers shall be the same as fixed, but, in no event shall any one
2 keeper receive more than three hundred dollars (\$300) during any
3 24-hour period when so employed.

4 (b) In addition to the fees provided by Section 26721, the fee
5 for maintaining custody of property under levy by the use of a
6 keeper is forty dollars (\$40) for each day custody is maintained
7 after the first day.

8 (c) Notwithstanding any other fee charged, a keeper shall receive
9 sixty dollars (\$60) when, pursuant to Section 26738, a levying
10 officer prepares a not-found return.

11 ~~SEC. 16.~~

12 *SEC. 11.* Section 26727 of the Government Code is amended
13 to read:

14 26727. The fee for a copy of any writ, process, paper, order,
15 or notice actually made by him or her when required or demanded
16 is one dollar (\$1) per page, except that when correct copies are
17 furnished to him or her for use no charge shall be made for those
18 copies.

19 ~~SEC. 17.~~

20 *SEC. 12.* Section 26728.1 of the Government Code is amended
21 to read:

22 26728.1. The fee for preparing and posting additionally required
23 notices of personal property sales is fifteen dollars (\$15) each.

24 ~~SEC. 18.~~

25 *SEC. 13.* Section 26729 of the Government Code is amended
26 to read:

27 26729. The fee for furnishing a notice for publication is fifteen
28 dollars (\$15).

29 ~~SEC. 19.~~

30 *SEC. 14.* Section 26730 of the Government Code is amended
31 to read:

32 26730. The fee for conducting or postponing the sale of real
33 or personal property as required by law or the litigant is ninety
34 dollars (\$90).

35 ~~SEC. 20.~~

36 *SEC. 15.* Section 26731 of the Government Code is amended
37 to read:

38 26731. (a) Eighteen dollars (\$18) of any fee collected by the
39 sheriff's civil division or marshal under Sections 26721, 26722,
40 26725, 26726, 26728, 26730, 26733.5, 26734, 26736, 26738,

1 26742, 26743, 26744, and 26750 shall be deposited in a special
2 fund in the county treasury. A separate accounting of funds
3 deposited shall be maintained for each depositor, and funds
4 deposited shall be for the exclusive use of the sheriff's civil
5 division or marshal.

6 (b) Ninety-five percent of the moneys in the special fund shall
7 be expended to supplement the costs of the depositor for the
8 implementation, maintenance, and purchase of auxiliary equipment
9 and furnishings for automated systems or other nonautomated
10 operational equipment and furnishings deemed necessary by the
11 sheriff's civil division or marshal. Five percent of the moneys in
12 the special fund shall be used to supplement the expenses of the
13 sheriff's civil division or marshal in administering the funds.

14 ~~SEC. 21.~~

15 *SEC. 16.* Section 26733.5 of the Government Code is amended
16 to read:

17 26733.5. The fee for serving a writ of possession of real
18 property on an occupant or the occupants or for posting and serving
19 a copy on the judgment debtor is eighty-five dollars (\$85). The
20 additional fee for removing an occupant or occupants from the
21 premises and putting a person in possession of the premises is sixty
22 dollars (\$60). The fee for reposting a notice to vacate shall be
23 pursuant to Section 26721.

24 ~~SEC. 22.~~

25 *SEC. 17.* Section 26736 of the Government Code is amended
26 to read:

27 26736. The fee for cancellation of the service or execution of
28 any process or notice, other than a summons, prior to its completion
29 is forty dollars (\$40). The fee provided by this section shall not be
30 charged if a fee is charged pursuant to any other section of this
31 article in attempting to serve or execute the process or notice.

32 ~~SEC. 23.~~

33 *SEC. 18.* Section 26738 of the Government Code is amended
34 to read:

35 26738. The fee for making a not-found return on an affidavit
36 and order, order for appearance, subpoena, writ of attachment, writ
37 of execution, writ of possession, order for delivery of personal
38 property, or other process or notice required to be served, certifying
39 that the person or property cannot be found at the address specified
40 is ~~forty dollars (\$40).~~ *thirty-five dollars (\$35).*

1 ~~SEC. 24.~~

2 *SEC. 19.* Section 26740 of the Government Code is amended
3 to read:

4 26740. The fee for the execution and delivery of a deed or
5 certificate of redemption is fifteen dollars (\$15).

6 ~~SEC. 25.~~

7 *SEC. 20.* Section 26741 of the Government Code is amended
8 to read:

9 26741. The fee for executing and delivering a certificate or
10 deed of sale is fifteen dollars (\$15).

11 ~~SEC. 26.~~ ~~Section 26744 of the Government Code is repealed.~~

12 ~~SEC. 27.~~

13 *SEC. 21.* Section 26744.5 of the Government Code is amended
14 to read:

15 26744.5. (a) The fees for processing a warrant issued pursuant
16 to Section 1993 of the Code of Civil Procedure shall be paid by
17 the moving party, as follows:

18 (1) Forty dollars (\$40) to receive and process the warrant, which
19 shall include the issuance and mailing of a notice advising the
20 person to be arrested of the issuance of the warrant and demanding
21 that the person appear in court.

22 (2) ~~Thirty-five dollars (\$35)~~ *Forty dollars (\$40)* to cancel the
23 service of the warrant.

24 (3) Eighty-five dollars (\$85) if unable to find the person at the
25 address specified using due diligence.

26 (4) One hundred dollars (\$100) to arrest the person, which shall
27 include the arrest and release of the person on a promise to appear
28 pursuant to Section 1993.2 of the Code of Civil Procedure.

29 (b) The in forma pauperis fee waiver provisions under Rules
30 3.50 to 3.58, inclusive, of the California Rules of Court shall apply
31 to the collection of fees under this section.

32 ~~SEC. 28.~~

33 *SEC. 22.* Section 26746 of the Government Code is amended
34 to read:

35 26746. (a) In addition to any other fees required by law, a
36 processing fee of ~~thirteen dollars (\$13)~~ *twelve dollars (\$12)* shall
37 be assessed for each disbursement of money collected under a writ
38 of attachment, execution, possession, or sale, but excluding any
39 action by the local child support agency for the establishment or
40 enforcement of a child support obligation. The fee shall be

1 collected from the judgment debtor in addition to, and in the same
2 manner as, the moneys collected under the writ. All proceeds of
3 this fee shall be deposited in a special fund in the county treasury.
4 A separate accounting of funds deposited shall be maintained for
5 each depositor, and funds deposited shall be for the exclusive use
6 of the depositor.

7 (b) The special fund shall be expended to supplement the
8 county's cost for vehicle fleet replacement and equipment,
9 maintenance, and civil process operations, including data systems
10 and consultant services.

11 (c) A processing fee shall not be charged pursuant to this section
12 if the only disbursement is the return of the judgment creditor's
13 deposit for costs.

14 ~~SEC. 29.~~

15 *SEC. 23.* Section 26746.1 of the Government Code is amended
16 to read:

17 26746.1. (a) ~~A twenty-dollar~~ *twenty-dollar* (\$20) fee shall be
18 assessed by the sheriff or marshal for certification of correction
19 on each citation that requires inspection for proof of correction of
20 any violation pursuant to Section 40616 of the Vehicle Code.

21 (b) All proceeds of the fee shall be deposited in a special fund
22 in the county treasury. A separate accounting of funds deposited
23 shall be maintained for each depositor, and funds deposited shall
24 be for the exclusive use of the sheriff's civil division or marshal.

25 (c) Ninety-five percent of the moneys in the special fund shall
26 be expended to supplement the costs of the depositor for the
27 implementation, maintenance, and purchase of auxiliary equipment
28 and furnishings for automated systems or other nonautomated
29 operational equipment and furnishings deemed necessary by the
30 sheriff's civil division or marshal. Five percent of the moneys in
31 the special fund shall be used to supplement the expenses of the
32 sheriff's civil division or marshal in administering the funds.

33 ~~SEC. 30.~~

34 *SEC. 24.* Section 26750 of the Government Code is amended
35 to read:

36 26750. (a) The fee for serving an earnings withholding order
37 under the Wage Garnishment Law (Chapter 5 (commencing with
38 Section 706.010) of Division 2 of Title 9 of Part 2 of the Code of
39 Civil Procedure), including, but not limited to, the costs of postage
40 or traveling, and for performing all other duties of the levying

1 officer under that law with respect to the levy shall be thirty-five
2 dollars (\$35).

3 (b) Except as provided in Section 26746, the levying officer
4 shall not charge additional fees, costs, or expenses for performing
5 the duties under the Wage Garnishment Law (Chapter 5
6 (commencing with Section 706.010) of Division 2 of Title 9 of
7 Part 2 of the Code of Civil Procedure).

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