

**Introduced by Senator Morrell**

February 19, 2016

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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

SB 1431, as introduced, Morrell. Service of summons or subpoena.

Existing law requires specified persons to 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, as specified.

This bill would additionally require an investigator who is employed by a government entity, upon the display of proper identification, to be granted access to a gated community for the sole purpose of performing lawful service of process or service of a subpoena.

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 law, any person shall
- 4 be granted access to a gated community for a reasonable period
- 5 of time for the sole purpose of performing lawful service of process
- 6 or service of a subpoena upon displaying a current driver's license
- 7 or other identification, and one of the following:

- 1 (1) A badge or other confirmation that the individual is acting
- 2 in his or her capacity as a representative of a county sheriff or
- 3 marshal, *or as an investigator employed by a government entity.*
- 4 (2) Evidence of current registration as a process server pursuant
- 5 to Chapter 16 (commencing with Section 22350) of Division 8 of
- 6 the Business and Professions Code or of licensure as a private
- 7 investigator pursuant to Chapter 11.3 (commencing with Section
- 8 7512) of Division 3 of the Business and Professions Code.
- 9 (b) This section shall only apply to a gated community that is
- 10 staffed at the time service of process is attempted by a guard or
- 11 other security personnel assigned to control access to the
- 12 community.