

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 of the Code of Civil Procedure, to amend Sections ~~6103.2, 6103.3, 6103.9, 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, to add Section 26725.2 to, and to repeal Section 26744 of, the Government Code, and to amend, repeal, and add Section 1214.2 of the Penal 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.

(1)

(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.

~~(2)~~

(3) 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.

~~(3)~~

(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.

~~(4)~~

(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.

~~(5)~~

~~(6) 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 notice of service of process on the sheriff's Internet Web site.~~

~~(6) Existing law prescribes fees for serving, executing, and processing required court notices, writs, orders, and other services provided by sheriffs and marshals. Under existing law, a sheriff or marshal, in connection with the service of process or notices, is authorized to require prepayment of all fees that a person or entity is required to pay under specified provisions of law, except as to the district attorney's office or local child support agency, as specified.~~

~~This bill would revise and increase the fees for services provided by sheriffs or marshals, as specified, and would authorize a sheriff or marshal to submit a billing to a local child support agency for payment of fees for services rendered.~~

~~(7) Existing law authorizes the enforcement of an order to pay a fine as a condition of a defendant's probation, as specified.~~

~~This bill would authorize a sheriff, upon the request of a prosecutor, to access criminal record offender information for the purpose of identifying the defendant's employer to assist the prosecutor in seeking to obtain a levy on the defendant's wages, as specified, and would authorize the sheriff or marshal to assess a fee of \$100 for accessing the criminal record offender information. These provisions would remain in effect only until January 1, 2016.~~

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. ~~When any~~ If an action is begun against the a sheriff, all
4 process and orders may be served by any ~~person, a citizen of the~~
5 ~~United States over the age of 18 years,~~ person in the manner
6 provided in this code.

7 SECTION 1.

8 SEC. 2. Section 415.21 of the Code of Civil Procedure is
9 amended to read:

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

18
19 _____
20 (Name of deputy)
21 _____
22 (Name of sheriff or marshal)
23 _____
24 (Address)
25 _____
26 (Telephone)

25 —
26

27 **ACKNOWLEDGMENT OF RECEIPT OF SUMMONS**

28
29 I hereby ~~acknowledge receipt of this summons and complaint.~~

30 -
31 Date: _____
32 (Date this acknowledgment is executed)

33 _____
34 Signature of person acknowledging receipt

35 _____
36 Print name of person acknowledging receipt
37 -

1 The defendant is a _____ (insert type of entity such as corporation,
2 defunct corporation, association or partnership) for which I am the
3 _____ (insert title) and authorized to accept service. (If applicable.)

4
5 -
6 ~~(e) Service of a summons pursuant to this section is deemed~~
7 ~~complete on the date that the written acknowledgment of receipt~~
8 ~~of summons is executed, if the acknowledgment thereafter is~~
9 ~~returned to the sender.~~

10 ~~SEC. 2.~~

11 *SEC. 3.* Section 415.95 of the Code of Civil Procedure is
12 amended to read:

13 415.95. (a) A summons may be served on a business
14 organization, form unknown, by leaving a copy of the summons
15 and complaint during usual office hours with the person who is
16 apparently in charge of the office of that business organization,
17 and by thereafter mailing a copy of the summons and complaint
18 by first-class mail, postage prepaid, to the person to be served at
19 the place where a copy of the summons and complaint was left.
20 Service of a summons in this manner is deemed complete on the
21 10th day after the mailing.

22 (b) Service of a summons pursuant to this section is not valid
23 for a corporation with a registered agent for service of process
24 listed with the Secretary of State.

25 (c) This section shall not apply to service of a summons and
26 complaint on a business organization, form unknown, by a sheriff
27 or marshal.

28 ~~SEC. 3.~~

29 *SEC. 4.* Section 491.160 of the Code of Civil Procedure is
30 amended to read:

31 491.160. (a) If an order requiring a person to appear for an
32 examination was served by a sheriff, marshal, a person specially
33 appointed by the court in the order, or a registered process server,
34 and the person fails to appear:

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

36 (A) Pursuant to a warrant directed to any peace officer, have
37 the person brought before the court to answer for the failure to
38 appear and may punish the person for contempt.

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

1 (2) If the person’s failure to appear is without good cause, the
2 plaintiff shall be awarded reasonable attorney’s fees incurred in
3 the examination proceeding.

4 (b) A person who willfully makes an improper service of an
5 order for an examination which subsequently results in the arrest
6 pursuant to subdivision (a) of the person who fails to appear is
7 guilty of a misdemeanor.

8 ~~SEC. 4.~~

9 *SEC. 5.* Section 684.115 of the Code of Civil Procedure is
10 amended to read:

11 684.115. (a) A financial institution may, and if it has more
12 than nine branches or offices at which it conducts its business
13 within this state shall, designate one or more central locations for
14 service of legal process within this state. Each designated location
15 shall be referred to as a “central location.” If a financial institution
16 elects or is required to designate a central location for service of
17 legal process, the financial institution shall file a notice of its
18 designation with the Department of Financial Institutions, which
19 filing shall be effective upon filing and shall contain all of the
20 following:

- 21 (1) The physical address of the central location.
- 22 (2) The days and hours during which service will be accepted
23 at the central location.
- 24 (3) If the central location will not accept service of legal process
25 directed at deposit accounts maintained or property held at all of
26 the financial institution’s branches or offices within this state, or
27 if the service accepted at the central location will not apply to
28 safe-deposit boxes or other property of the judgment debtor held
29 by or for the judgment debtor, the filing shall also contain sufficient
30 information to permit a determination of the limitation or
31 limitations, including, in the case of a limitation applicable to
32 certain branches or offices, an identification of the branches or
33 offices as to which service at the central location will not apply
34 and the nature of the limitation applicable to those branches or
35 offices. If the limitation will apply to all branches or offices of the
36 financial institution within this state, the filing may indicate the
37 nature of the limitation and that it applies to all branches or offices,
38 in lieu of an identification of branches or offices as to which the
39 limitation applies. To the extent that a financial institution’s
40 designation of a central location for service of legal process covers

1 the process directed at deposit accounts, safe-deposit boxes, or
2 other property of the judgment debtor held by or for the judgment
3 debtor at a particular branch or office located within this state, the
4 branch or office shall be a branch or office covered by central
5 process.

6 (b) If a financial institution required to designate a central
7 location fails to do so, each branch of that institution located in
8 this state shall be deemed to be a central location at which service
9 of legal process may be made, and all of the institution's branches
10 or offices located within this state shall be deemed to be a branch
11 or office covered by central process.

12 (c) Subject to any limitation noted pursuant to paragraph (3) of
13 subdivision (a), service of legal process at a central location of a
14 financial institution shall be effective against all deposit accounts
15 and all property held for safekeeping, as collateral for an obligation
16 owed to the financial institution or in a safe-deposit box if the same
17 is described in the legal process and held by the financial institution
18 at any branch or office covered by central process and located
19 within this state. However, while service of legal process at the
20 central location will establish a lien on all property, if any property
21 other than deposit accounts is physically held by the financial
22 institution in a county other than that in which the designated
23 central location is located, the financial institution shall include in
24 its garnishee's memorandum the location or locations of the
25 property, and the judgment creditor shall obtain a writ of execution
26 covering the property and directed to the levying officer in that
27 county to accomplish the turnover of the property and shall forward
28 the writ and related required documentation to the levying officer
29 in the county in which the property is held.

30 (d) A financial institution may modify or revoke any designation
31 made pursuant to subdivision (a) by filing the modification or
32 revocation with the Department of Financial Institutions. The
33 modification or revocation shall be effective when the Department
34 of Financial Institutions' records have been updated to reflect the
35 modification or revocation, provided that the judgment creditor
36 may rely upon the superseded designation during the 30-day period
37 following the effective date of the revocation or modification.

38 (e) (1) The Department of Financial Institutions shall update
39 its online records to reflect a filing by a financial institution
40 pursuant to subdivision (a) or a modification or revocation filed

1 by a financial institution pursuant to subdivision (d) within 10
2 business days following the filing by the financial institution. The
3 Department of Financial Institutions' Internet Web site shall reflect
4 the date its online records for each financial institution have most
5 recently been updated.

6 (2) The Department of Financial Institutions shall provide any
7 person requesting it with a copy of each current filing made by a
8 financial institution pursuant to subdivision (a). The Department
9 of Financial Institutions may satisfy its obligation under this
10 subdivision by posting all current designations of a financial
11 institution, or the pertinent information therein, on an Internet Web
12 site available to the public without charge, and if that information
13 is made available, the Department of Financial Institutions may
14 impose a reasonable fee for furnishing that information in any
15 other manner.

16 (f) As to deposit accounts maintained or property held for
17 safekeeping, as collateral for an obligation owed to the financial
18 institution or in a safe-deposit box at a branch or office covered
19 by central process, service of legal process at a location other than
20 a central location designated by the financial institution shall not
21 be effective unless the financial institution, in its absolute
22 discretion, elects to act upon the process at that location as if it
23 were effective. If the service of legal process is ineffective, the
24 financial institution shall respond to the legal process by mailing
25 or delivery of the garnishee's memorandum to the levying officer
26 within the time otherwise provided therefor, with a statement on
27 the garnishee's memorandum that the legal process was not
28 properly served at the financial institution's designated location
29 for receiving legal process, and, therefore, was not processed, and
30 the address at which the financial institution is to receive legal
31 process.

32 (g) If any legal process is served at a central location of a
33 financial institution pursuant to this section, all related papers to
34 be served on the financial institution shall be served at that location,
35 unless agreed to the contrary between the serving party and the
36 financial institution.

37 (h) This subdivision shall apply whenever a financial institution
38 operates within this state at least one branch or office in addition
39 to its head office or main office, as applicable, or a financial
40 institution headquartered in another state operates more than one

1 branch or office within this state, and no central location has been
2 designated or deemed to have been designated by the institution
3 for service of legal process relating to deposit accounts maintained
4 at the financial institution's head office or main office, as
5 applicable, and branches located within this state. If a judgment
6 creditor reasonably believes that, pursuant to Section 700.140 and,
7 if applicable, Section 700.160, any act of enforcement would be
8 effective against a specific deposit account maintained at a financial
9 institution described in this subdivision, the judgment creditor may
10 file with the financial institution a written request that the financial
11 institution identify the branch or office within this state at which
12 a specified account might be maintained by the financial institution.
13 The written request shall contain the following statements or
14 information:

15 (1) The name of the person reasonably believed by the judgment
16 creditor to be a person in whose name the specified deposit account
17 stands.

18 (2) If the name of the person reasonably believed by the
19 judgment creditor to be a person in whose name the specified
20 deposit account stands is not a judgment debtor identified in the
21 writ of execution, a statement that a person reasonably believed
22 by the judgment creditor to be a person in whose name the specified
23 deposit account stands will be appropriately identified in the legal
24 process to be served pursuant to Section 700.160, including any
25 supplementary papers, such as a court order or affidavit if the same
26 will be required by Section 700.160.

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

30 (4) The address of the requesting party.

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

33

34 I hereby declare that this deposit account location request
35 complies with Section 684.115 of the Code of Civil Procedure,
36 that the account or accounts of the judgment debtor or other person
37 or persons appropriately identified in the legal process and
38 specified herein are subject to a valid writ of execution, or court
39 order, that I have a reasonable belief, formed after an inquiry
40 reasonable under the circumstances, that the financial institution

1 receiving this deposit account location request has an account
2 standing in the name of the judgment debtor or other person or
3 persons appropriately identified in the legal process, and that
4 information pertaining to the location of the account will assist the
5 judgment creditor in enforcing the judgment.

6
7 (i) The affidavit contemplated by subdivision (h) shall be signed
8 by the judgment creditor or the judgment creditor’s counsel and
9 filed at the financial institution’s head office located within this
10 state or, if the financial institution’s head office is in another state,
11 at one of its branches or offices within this state. Failure to comply
12 with the requirements of subdivision (h) and this subdivision shall
13 be sufficient basis for the financial institution to refuse to produce
14 the information that would otherwise be required by subdivision
15 (j).

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

1 (k) A response furnished in good faith by the financial institution
2 pursuant to subdivision (j) shall not be deemed to violate the
3 privacy of any person in whose name the specified deposit account
4 stands nor the privacy of any other person, and shall not require
5 the consent of the person in whose name the account stands nor
6 that of any other person.

7 (l) A financial institution shall not notify the person in whose
8 name the specified deposit account stands or any other person
9 related to the specified account of the receipt of a request made
10 pursuant to subdivision (h) that affects that person's or persons'
11 accounts at the financial institution, provided that the financial
12 institution shall have no liability for its failure to comply with the
13 provisions of this subdivision.

14 ~~SEC. 5.~~

15 *SEC. 6.* Section 708.170 of the Code of Civil Procedure is
16 amended to read:

17 708.170. (a) If an order requiring a person to appear for an
18 examination was served by a sheriff, marshal, a person specially
19 appointed by the court in the order, or a registered process server,
20 and the person fails to appear:

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

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

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

27 (2) If the person's failure to appear is without good cause, the
28 judgment creditor shall be awarded reasonable attorney's fees
29 incurred in the examination proceeding. Attorney's fees awarded
30 against the judgment debtor shall be added to and become part of
31 the principal amount of the judgment.

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

36 ~~SEC. 6.~~

37 *SEC. 7.* Section 1993 of the Code of Civil Procedure is
38 amended to read:

39 1993. (a) (1) As an alternative to issuing a warrant for
40 contempt pursuant to paragraph (5) or (9) of subdivision (a) of

1 Section 1209, the court may issue a warrant for the arrest of a
2 witness who failed to appear pursuant to a subpoena or a person
3 who failed to appear pursuant to a court order. The court, upon
4 proof of the service of the subpoena or order, may issue a warrant
5 to the sheriff of the county in which the witness or person may be
6 located and the sheriff shall, upon payment of fees as provided in
7 Section 26744.5 of the Government Code, arrest the witness or
8 person and bring him or her before the court.

9 (2) Before issuing a warrant for a failure to appear pursuant to
10 a subpoena pursuant to this section, the court shall issue a “failure
11 to appear” notice informing the person subject to the subpoena
12 that a failure to appear in response to the notice may result in the
13 issuance of a warrant. This notice requirement may be omitted
14 only upon a showing that the appearance of the person subject to
15 the subpoena is material to the case and that urgency dictates the
16 person’s immediate appearance.

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

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

19 (2) The name and physical description of the person to be
20 arrested.

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

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

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

25 (6) A command to arrest the person for failing to appear pursuant
26 to the subpoena or court order, and specifying the date of service
27 of the subpoena or court order.

28 (7) A command to bring the person to be arrested before the
29 issuing court, or the nearest court if in session, for the setting of
30 bail or to release on the person’s own recognizance. A person so
31 arrested shall be released from custody if he or she cannot be
32 brought before the court within 12 hours of arrest, and the person
33 shall not be arrested if the court will not be in session during the
34 12-hour period following the arrest.

35 (8) A statement indicating the expiration date of the warrant as
36 determined by the court.

37 (9) The amount of bail.

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

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

6 (12) The date and time to appear in court if arrested and released
7 pursuant to paragraph (11).

8 ~~SEC. 7.— Section 6103.2 of the Government Code is amended~~
9 ~~to read:~~

10 ~~6103.2. (a) Section 6103 does not apply to any fee or charge~~
11 ~~or expense for official services rendered by a sheriff or marshal~~
12 ~~in connection with the levy of writs of attachment, execution,~~
13 ~~possession, or sale. The fee, charge, or expense may be advanced~~
14 ~~to the sheriff or marshal, as otherwise required by law.~~

15 ~~(b) (1) Notwithstanding Section 6103, the sheriff or marshal,~~
16 ~~in connection with the service of process or notices, may require~~
17 ~~that all fees which a public agency, or any person or entity, is~~
18 ~~required to pay under provisions of law other than this section be~~
19 ~~prepaid by a public agency named in Section 6103, or by any~~
20 ~~person or entity, prior to the performance of any official act. This~~
21 ~~authority to require prepayment shall include fees governed by~~
22 ~~Section 6103.5.~~

23 ~~(2) (A) The requirement for prepayment of a fee does not apply~~
24 ~~to the service of process or notices in any action by the district~~
25 ~~attorney's office or local child support agency for the establishment~~
26 ~~or enforcement of a child support obligation.~~

27 ~~(B) Notwithstanding subparagraph (A), a sheriff or marshal~~
28 ~~may submit a billing to a local child support agency for payment~~
29 ~~of fees for services rendered.~~

30 ~~(3) This subdivision does not apply to a particular jurisdiction~~
31 ~~unless the sheriff or marshal, as the case may be, imposes the~~
32 ~~requirement of prepayment upon public agencies and upon all~~
33 ~~persons or entities within the private sector.~~

34 ~~(4) (A) The requirement for prepayment of a fee deposit does~~
35 ~~not apply to orders or injunctions described in paragraph (1) of~~
36 ~~subdivision (x) of Section 527.6, paragraph (1) of subdivision (w)~~
37 ~~of Section 527.8, or paragraph (1) of subdivision (w) of Section~~
38 ~~527.85 of the Code of Civil Procedure, Division 10 (commencing~~
39 ~~with Section 6200) of the Family Code (Domestic Violence~~
40 ~~Prevention Act), and Chapter 11 (commencing with Section 15600)~~

1 of Part 3 of Division 9 of the Welfare and Institutions Code (Elder
2 Abuse and Dependent Adult Civil Protection Act).

3 ~~(B) Notwithstanding subparagraph (A), a sheriff or marshal~~
4 ~~may submit a billing to the superior court for payment of fees in~~
5 ~~the manner prescribed by the Judicial Council irrespective of the~~
6 ~~in forma pauperis status of any party under Rules 3.50 to 3.58,~~
7 ~~inclusive, of the California Rules of Court. The fees for service,~~
8 ~~cancellation of service, and making a not-found return shall not~~
9 ~~exceed the amounts provided in Sections 26721, 26736, and 26738,~~
10 ~~respectively, and are subject to the provisions of Section 26731.~~

11 SEC. 8. Section 6103.3 of the Government Code is amended
12 to read:

13 6103.3. (a) (1) For any order or injunction described in
14 ~~subparagraph (A) of paragraph (4) of subdivision (b) of Section~~
15 ~~6103.2, the sheriff or marshal may notify the protected person by~~
16 ~~electronic or telephonic means within 24 hours after service of~~
17 ~~process that the order or injunction has been served on the~~
18 ~~restrained person, including the date and time when the order or~~
19 ~~injunction was served, if the protected person has requested this~~
20 ~~notification and has registered a telephone number or ~~email~~ *e-mail*~~
21 ~~address at which the protected person may be contacted for this~~
22 ~~purpose.~~

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

28 (b) A sheriff may, in lieu of or in addition to providing the
29 notification described in subdivision (a), publish notice of service
30 of process on the sheriff's Internet Web site.

31 (c) If the sheriff participates in the notification program
32 authorized under this section and the service of process is provided
33 by a marshal, the marshal shall promptly inform the sheriff of the
34 date and time when the order or injunction was served, and the
35 sheriff shall provide the notice described in subdivision (a) to the
36 protected person.

37 ~~SEC. 9. Section 6103.9 of the Government Code is amended~~
38 ~~to read:~~

39 ~~6103.9. (a) Notwithstanding any other law, except as provided~~
40 ~~in this section, the local child support agency and the district~~

1 attorney shall be exempt from the payment of any fees, including
2 filing fees, in an action or proceeding brought for the establishment
3 of a child support obligation or the enforcement of a child or
4 spousal support obligation.

5 (b) A court or county may be reimbursed for the direct costs
6 related to the establishment of a child support obligation or the
7 enforcement of a child or spousal support obligation which have
8 been agreed to pursuant to a plan of cooperation. Reimbursement
9 pursuant to a plan of cooperation shall not include any amount
10 which is payable as a filing fee.

11 (e) For purposes of this section, a “plan of cooperation” includes
12 an agreement entered into by a court and the Administrative Office
13 of the Courts of the California Judicial Council which provides
14 for reimbursement for the cost of providing clerical and
15 administrative support furnished by the court.

16 ~~SEC. 10.~~

17 *SEC. 9.* Section 26720.9 of the Government Code is amended
18 to read:

19 26720.9. Notwithstanding any other law, the amounts set forth
20 in Sections 26721, 26721.1, 26725, 26728, 26734, 26742, and
21 26743 shall be forty dollars (\$40).

22 ~~SEC. 11.~~

23 *SEC. 10.* Section 26721 of the Government Code is amended
24 to read:

25 26721. (a) Except as provided in this article, the fee for serving
26 or executing any process or notice required by law or the litigants
27 to be served shall be the amount described in Section 26720.9, and
28 there shall be no additional fee for substitute service when
29 substitute service is authorized.

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

35 ~~SEC. 12.~~

36 *SEC. 11.* Section 26721.2 of the Government Code is amended
37 to read:

38 26721.2. (a) For any action commenced in the superior court,
39 the fee for the service of the summons, the complaint for which
40 the summons is issued, and all other documents or notices required

1 to be served with the summons and complaint, is forty dollars
2 (\$40).

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

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

8 ~~SEC. 13.~~

9 *SEC. 12.* Section 26722 of the Government Code is amended
10 to read:

11 26722. The fee for serving, executing, or processing any writ
12 or order where the levying officer is required to take immediate
13 possession of the property levied upon is one hundred dollars
14 (\$100).

15 ~~SEC. 14.~~

16 *SEC. 13.* Section 26723 of the Government Code is amended
17 to read:

18 26723. The fee for opening a safe-deposit box pursuant to
19 Sections 488.460 and 700.150 of the Code of Civil Procedure is
20 one hundred thirty-five dollars (\$135).

21 ~~SEC. 15.~~

22 *SEC. 14.* Section 26725.1 of the Government Code is amended
23 to read:

24 26725.1. The fee for serving or posting any additionally
25 required notices or orders on other parcels is twenty dollars (\$20)
26 each.

27 ~~SEC. 16.~~ Section 26725.2 is added to the Government Code,
28 to read:

29 ~~26725.2. (a) In addition to any other fee provided for by this~~
30 ~~article, the sheriff or marshal may assess a fee of one hundred~~
31 ~~dollars (\$100) for accessing criminal record offender information~~
32 ~~in order to identify the employer of a defendant pursuant to Section~~
33 ~~1214.2 of the Penal Code. The fee described in this section shall~~
34 ~~be collected from the defendant's withheld wages and shall not be~~
35 ~~paid in advance by the prosecutor.~~

36 ~~(b) This section shall remain in effect only until January 1, 2016,~~
37 ~~and as of that date is repealed, unless a later enacted statute, that~~
38 ~~is enacted before January 1, 2016, deletes or extends that date.~~

1 ~~SEC. 17.~~

2 *SEC. 15.* Section 26726 of the Government Code is amended
3 to read:

4 26726. (a) The fee for keeping and caring for property under
5 a writ of attachment, execution, possession, or sale is one hundred
6 forty dollars (\$140) when necessarily employed for any eight-hour
7 period or any part thereof. If an additional keeper or keepers are
8 required during these periods, the fee for the additional keeper or
9 keepers shall be the same as fixed, but, in no event shall any one
10 keeper receive more ~~than three~~ *than three* hundred dollars (\$300)
11 during any 24-hour period when so employed.

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

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

19 ~~SEC. 18.~~

20 *SEC. 16.* Section 26727 of the Government Code is amended
21 to read:

22 26727. The fee for a copy of any writ, process, paper, order,
23 or notice actually made by him or her when required or demanded
24 is one dollar (\$1) per page, except that when correct copies are
25 furnished to him or her for use no charge shall be made for those
26 copies.

27 ~~SEC. 19.~~

28 *SEC. 17.* Section 26728.1 of the Government Code is amended
29 to read:

30 26728.1. The fee for preparing and posting additionally required
31 notices of personal property sales is fifteen dollars (\$15) each.

32 ~~SEC. 20.~~

33 *SEC. 18.* Section 26729 of the Government Code is amended
34 to read:

35 26729. The fee for furnishing a notice for publication is fifteen
36 dollars (\$15).

37 ~~SEC. 21.~~

38 *SEC. 19.* Section 26730 of the Government Code is amended
39 to read:

1 26730. The fee for conducting or postponing the sale of real
2 or personal property as required by law or the litigant is ninety
3 dollars (\$90).

4 ~~SEC. 22.~~

5 *SEC. 20.* Section 26731 of the Government Code is amended
6 to read:

7 26731. (a) Eighteen dollars (\$18) of any fee collected by the
8 sheriff's civil division or marshal under Sections 26721, 26722,
9 26725, 26726, 26728, 26730, 26733.5, 26734, 26736, 26738,
10 26742, 26743, 26744, and 26750 shall be deposited in a special
11 fund in the county treasury. A separate accounting of funds
12 deposited shall be maintained for each depositor, and funds
13 deposited shall be for the exclusive use of the sheriff's civil
14 division or marshal.

15 (b) Ninety-five percent of the moneys in the special fund shall
16 be expended to supplement the costs of the depositor for the
17 implementation, maintenance, and purchase of auxiliary equipment
18 and furnishings for automated systems or other nonautomated
19 operational equipment and furnishings deemed necessary by the
20 sheriff's civil division or marshal. Five percent of the moneys in
21 the special fund shall be used to supplement the expenses of the
22 sheriff's civil division or marshal in administering the funds.

23 ~~SEC. 23.~~

24 *SEC. 21.* Section 26733.5 of the Government Code is amended
25 to read:

26 26733.5. The fee for serving a writ of possession of real
27 property on an occupant or the occupants or for posting and serving
28 a copy on the judgment debtor is eighty-five dollars (\$85). The
29 additional fee for removing an occupant or occupants from the
30 premises and putting a person in possession of the premises is sixty
31 dollars (\$60). The fee for reposting a notice to vacate shall be
32 pursuant to Section 26721.

33 ~~SEC. 24.~~

34 *SEC. 22.* Section 26736 of the Government Code is amended
35 to read:

36 26736. The fee for cancellation of the service or execution of
37 any process or notice, other than a summons, prior to its completion
38 is forty dollars (\$40). The fee provided by this section shall not be
39 charged if a fee is charged pursuant to any other section of this
40 article in attempting to serve or execute the process or notice.

1 ~~SEC. 25.~~

2 *SEC. 23.* Section 26738 of the Government Code is amended
3 to read:

4 26738. The fee for making a not-found return on an affidavit
5 and order, order for appearance, subpoena, writ of attachment, writ
6 of execution, writ of possession, order for delivery of personal
7 property, or other process or notice required to be served, certifying
8 that the person or property cannot be found at the address specified
9 is forty dollars (\$40).

10 ~~SEC. 26.~~

11 *SEC. 24.* Section 26740 of the Government Code is amended
12 to read:

13 26740. The fee for the execution and delivery of a deed or
14 certificate of redemption is fifteen dollars (\$15).

15 ~~SEC. 27.~~

16 *SEC. 25.* Section 26741 of the Government Code is amended
17 to read:

18 26741. The fee for executing and delivering a certificate or
19 deed of sale is fifteen dollars (\$15).

20 ~~SEC. 28.~~

21 *SEC. 26.* Section 26744 of the Government Code is repealed.

22 ~~SEC. 29.~~

23 *SEC. 27.* Section 26744.5 of the Government Code is amended
24 to read:

25 26744.5. (a) The fees for processing a warrant issued pursuant
26 to Section 1993 of the Code of Civil Procedure shall be paid by
27 the moving party, as follows:

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

32 (2) Thirty-five dollars (\$35) to cancel the service of the warrant.

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

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

38 (b) The in forma pauperis fee waiver provisions under Rules
39 3.50 to 3.58, inclusive, of the California Rules of Court shall apply
40 to the collection of fees under this section.

1 ~~SEC. 30.~~

2 *SEC. 28.* Section 26746 of the Government Code is amended
3 to read:

4 26746. (a) In addition to any other fees required by law, a
5 processing fee of thirteen dollars (\$13) shall be assessed for each
6 disbursement of money collected under a writ of attachment,
7 execution, possession, or sale, but excluding any action by the
8 local child support agency for the establishment or enforcement
9 of a child support obligation. The fee shall be collected from the
10 judgment debtor in addition to, and in the same manner as, the
11 moneys collected under the writ. All proceeds of this fee shall be
12 deposited in a special fund in the county treasury. A separate
13 accounting of funds deposited shall be maintained for each
14 depositor, and funds deposited shall be for the exclusive use of the
15 depositor.

16 (b) The special fund shall be expended to supplement the
17 county’s cost for vehicle fleet replacement and equipment,
18 maintenance, and civil process operations, including data systems
19 and consultant services.

20 (c) A processing fee shall not be charged pursuant to this section
21 if the only disbursement is the return of the judgment creditor’s
22 deposit for costs.

23 ~~SEC. 31.~~

24 *SEC. 29.* Section 26746.1 of the Government Code is amended
25 to read:

26 26746.1. (a) A twenty dollar (\$20) fee shall be assessed by
27 the sheriff or marshal for certification of correction on each citation
28 that requires inspection for proof of correction of any violation
29 pursuant to Section 40616 of the Vehicle Code.

30 (b) All proceeds of the fee shall be deposited in a special fund
31 in the county treasury. A separate accounting of funds deposited
32 shall be maintained for each depositor, and funds deposited shall
33 be for the exclusive use of the sheriff’s civil division or marshal.

34 (c) Ninety-five percent of the moneys in the special fund shall
35 be expended to supplement the costs of the depositor for the
36 implementation, maintenance, and purchase of auxiliary equipment
37 and furnishings for automated systems or other nonautomated
38 operational equipment and furnishings deemed necessary by the
39 sheriff’s civil division or marshal. Five percent of the moneys in

1 the special fund shall be used to supplement the expenses of the
2 sheriff's civil division or marshal in administering the funds.

3 ~~SEC. 32.~~

4 ~~SEC. 30.~~ Section 26750 of the Government Code is amended
5 to read:

6 26750. (a) The fee for serving an earnings withholding order
7 under the Wage Garnishment Law (Chapter 5 (commencing with
8 Section 706.010) of Division 2 of Title 9 of Part 2 of the Code of
9 Civil Procedure), including, but not limited to, the costs of postage
10 or traveling, and for performing all other duties of the levying
11 officer under that law with respect to the levy shall be thirty-five
12 dollars (\$35).

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

18 ~~SEC. 33.~~ Section 1214.2 of the Penal Code is amended to read:

19 ~~1214.2. (a) Except as provided in subdivision (c), if a defendant~~
20 ~~is ordered to pay a fine as a condition of probation, the order to~~
21 ~~pay a fine may be enforced during the term of probation in the~~
22 ~~same manner as is provided for the enforcement of money~~
23 ~~judgments.~~

24 ~~(b) Except as provided in subdivision (c), an order to pay a fine~~
25 ~~as a condition of probation may also be enforced as follows:~~

26 ~~(1) With respect to a willful failure to pay during the term of~~
27 ~~probation, in the same manner as a violation of the terms and~~
28 ~~conditions of probation.~~

29 ~~(2) If any balance remains unpaid at the end of the term of~~
30 ~~probation, in the same manner as a judgment in a civil action.~~

31 ~~(c) If an order to pay a fine as a condition of probation is stayed,~~
32 ~~a writ of execution shall not issue until the stay is lifted.~~

33 ~~(d) Upon request of the prosecutor, a sheriff may access the~~
34 ~~criminal offender record information of a defendant to identify the~~
35 ~~employer of the defendant. The prosecutor may then seek to obtain~~
36 ~~a writ of execution from the court and file with the sheriff the writ~~
37 ~~and an application to levy on the defendant's wages, pursuant to~~
38 ~~the Wage Garnishment Law (Chapter 5 (commencing with Section~~
39 ~~706.010) of Division 2 of Title 9 of Part 2 of the Code of Civil~~
40 ~~Procedure).~~

- 1 ~~(1) The prosecutor is deemed to be the attorney of record and~~
2 ~~the People of the State of California is deemed to be the creditor~~
3 ~~in a wage garnishment levy made pursuant to this subdivision.~~
4 ~~(2) The sheriff shall first deduct from the wages remitted by the~~
5 ~~defendant's employer the amount specified by Section 26725.2 of~~
6 ~~the Government Code. The balance of withheld wages shall be~~
7 ~~remitted to the prosecutor for disbursement to the court or to the~~
8 ~~court directly, if so instructed by the prosecutor.~~
9 ~~(3) This section shall remain in effect only until January 1, 2016,~~
10 ~~and as of that date is repealed, unless a later enacted statute, that~~
11 ~~is enacted before January 1, 2016, deletes or extends that date.~~
12 ~~SEC. 34. Section 1214.2 is added to the Penal Code, to read:~~
13 ~~1214.2. (a) Except as provided in subdivision (c), if a defendant~~
14 ~~is ordered to pay a fine as a condition of probation, the order to~~
15 ~~pay a fine may be enforced during the term of probation in the~~
16 ~~same manner as is provided for the enforcement of money~~
17 ~~judgments.~~
18 ~~(b) Except as provided in subdivision (c), an order to pay a fine~~
19 ~~as a condition of probation may also be enforced as follows:~~
20 ~~(1) With respect to a willful failure to pay during the term of~~
21 ~~probation, in the same manner as a violation of the terms and~~
22 ~~conditions of probation.~~
23 ~~(2) If any balance remains unpaid at the end of the term of~~
24 ~~probation, in the same manner as a judgment in a civil action.~~
25 ~~(c) If an order to pay a fine as a condition of probation is stayed,~~
26 ~~a writ of execution shall not issue until the stay is lifted.~~
27 ~~(d) This section is operative on and after January 1, 2016.~~