



Home	Bill Information	California Law	Publications	Other Resources	My Subscriptions	My Favorites
------	------------------	----------------	--------------	-----------------	------------------	--------------

AB-1974 Correctional facilities: service of process. (2021-2022)

SHARE THIS:  

Date Published: 09/07/2022 02:00 PM

Assembly Bill No. 1974

CHAPTER 255

An act to amend Section 4013 of the Penal Code, relating to correctional facilities.

[Approved by Governor September 06, 2022. Filed with Secretary of State September 06, 2022.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1974, Chen. Correctional facilities: service of process.

Existing law requires a sheriff or jailer upon whom a paper in a judicial proceeding, that is directed to a prisoner in their custody, is served, to deliver the paper to the prisoner, with a note of the time of its service. Existing law makes the sheriff or jailer liable to the prisoner for all damages occasioned for neglecting to perform that duty.

This bill would also require a warden upon whom a paper is served to deliver the paper to an incarcerated person in their custody according to these provisions.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 4013 of the Penal Code is amended to read:

4013. (a) A warden, sheriff, or jailer upon whom a paper in a judicial proceeding, directed to an incarcerated person in the custody of the warden, sheriff, or jailer, is served, shall forthwith deliver the paper to the incarcerated person, with a note thereon of the time of its service. The warden, sheriff, or jailer is liable to the incarcerated person for all damages occasioned thereby for neglecting to do so.

(b) Service directed to a person who is incarcerated within any institution in this state may be served by any person who may lawfully serve process.