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**SB-564 Sheriffs and marshals: fees.** (2023-2024)

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**Senate Bill No. 564**

**CHAPTER 29**

An act to amend Sections 26720.9, 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 the Government Code, relating to local government.

[ Approved by Governor June 29, 2023. Filed with Secretary of State June 29, 2023. ]

**LEGISLATIVE COUNSEL'S DIGEST**

SB 564, Laird. Sheriffs and marshals: fees.

Existing law requires the Legislature to provide for an elected county sheriff and provides for the duties of the sheriff. Existing law prescribes fees for serving, executing, and processing required court notices, writs, orders, and other services provided by sheriffs and marshals.

This bill would increase the fees for services provided by sheriffs and marshals, as specified.

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

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

**SECTION 1.** Section 26720.9 of the Government Code is amended to read:

**26720.9.** Notwithstanding any other law, the amounts set forth in Sections 26721, 26721.1, 26725, 26728, 26734, 26742, and 26743 shall be fifty dollars (\$50).

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

**26721.2.** (a) For any action commenced in the superior court, the fee for the service of the summons, the complaint for which the summons is issued, and all other documents or notices required to be served with the summons and complaint, is fifty dollars (\$50).

(b) The fee for cancellation of the service of a summons prior to its completion is fifty dollars (\$50).

(c) The fee for making a not-found return on a summons certifying that the person cannot be found at the address specified is fifty dollars (\$50).

**SEC. 3.** Section 26722 of the Government Code is amended to read:

**26722.** The fee for serving, executing, or processing any writ or order where the levying officer is required to take immediate possession of the property levied upon is one hundred twenty-five dollars (\$125).

**SEC. 4.** Section 26723 of the Government Code is amended to read:

**26723.** The fee for opening a safe-deposit box pursuant to Sections 488.460 and 700.150 of the Code of Civil Procedure is one hundred seventy dollars (\$170).

**SEC. 5.** Section 26725.1 of the Government Code is amended to read:

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

**SEC. 6.** Section 26726 of the Government Code is amended to read:

**26726.** (a) The fee for keeping and caring for property under a writ of attachment, execution, possession, or sale is one hundred seventy-five dollars (\$175) when necessarily employed for any eight-hour period or any part thereof. If an additional keeper or keepers are required during these periods, the fee for the additional keeper or keepers shall be the same as fixed, but, in no event shall any one keeper receive more than three hundred fifty dollars (\$350) during any 24-hour period when so employed.

(b) In addition to the fees provided by Section 26721, the fee for maintaining custody of property under levy by the use of a keeper is fifty dollars (\$50) for each day custody is maintained after the first day.

(c) Notwithstanding any other fee charged, a keeper shall receive seventy-five dollars (\$75) when, pursuant to Section 26738, a levying officer prepares a not-found return.

**SEC. 7.** Section 26727 of the Government Code is amended to read:

**26727.** The fee for a copy of any writ, process, paper, order, or notice actually made by the sheriff when required or demanded is one dollar and twenty-five cents (\$1.25) per page, except that when correct copies are furnished to the sheriff for use no charge shall be made for those copies.

**SEC. 8.** Section 26728.1 of the Government Code is amended to read:

**26728.1.** The fee for preparing and posting additionally required notices of personal property sales is nineteen dollars (\$19) each.

**SEC. 9.** Section 26729 of the Government Code is amended to read:

**26729.** The fee for furnishing a notice for publication is nineteen dollars (\$19).

**SEC. 10.** Section 26730 of the Government Code is amended to read:

**26730.** The fee for conducting or postponing the sale of real or personal property as required by law or the litigant is one hundred ten dollars (\$110).

**SEC. 11.** Section 26731 of the Government Code is amended to read:

**26731.** (a) Twenty-two dollars (\$22) of any fee collected by the sheriff's civil division or marshal under Sections 26721, 26722, 26725, 26726, 26728, 26730, 26733.5, 26734, 26736, 26738, 26742, 26743, 26744, and 26750 shall be deposited in a special fund in the county treasury. A separate accounting of funds deposited shall be maintained for each depositor, and funds deposited shall be for the exclusive use of the sheriff's civil division or marshal.

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

**SEC. 12.** Section 26733.5 of the Government Code is amended to read:

**26733.5.** The fee for serving a writ of possession of real property on an occupant or the occupants or for posting and serving a copy on the judgment debtor is one hundred five dollars (\$105). The additional fee for removing an occupant or occupants from the premises and putting a person in possession of the premises is seventy-five dollars (\$75). The fee for reposting a notice to vacate shall be pursuant to Section 26721.

**SEC. 13.** Section 26736 of the Government Code is amended to read:

**26736.** The fee for cancellation of the service or execution of any process or notice, other than a summons, prior to its completion is fifty dollars (\$50). The fee provided by this section shall not be charged if a fee is charged pursuant to any other section of this article in attempting to serve or execute the process or notice.

**SEC. 14.** Section 26738 of the Government Code is amended to read:

**26738.** The fee for making a not-found return on an affidavit and order, order for appearance, subpoena, writ of attachment, writ of execution, writ of possession, order for delivery of personal property, or other process or notice required to be served, certifying that the person or property cannot be found at the address specified is fifty dollars (\$50).

**SEC. 15.** Section 26740 of the Government Code is amended to read:

**26740.** The fee for the execution and delivery of a deed or certificate of redemption is nineteen dollars (\$19).

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

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

**SEC. 17.** Section 26744.5 of the Government Code is amended to read:

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

(1) Fifty dollars (\$50) to receive and process the warrant, which shall include the issuance and mailing of a notice advising the person to be arrested of the issuance of the warrant and demanding that the person appear in court.

(2) Fifty dollars (\$50) to cancel the service of the warrant.

(3) One hundred five dollars (\$105) if unable to find the person at the address specified using due diligence.

(4) One hundred twenty-five dollars (\$125) to arrest the person, which shall include the arrest and release of the person on a promise to appear pursuant to Section 1993.2 of the Code of Civil Procedure.

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

**SEC. 18.** Section 26746 of the Government Code is amended to read:

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

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

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

**SEC. 19.** Section 26746.1 of the Government Code is amended to read:

**26746.1.** (a) A twenty-five-dollar (\$25) fee shall be assessed by the sheriff or marshal for certification of correction on each citation that requires inspection for proof of correction of any violation pursuant to Section 40616 of the Vehicle Code.

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

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

**SEC. 20.** Section 26750 of the Government Code is amended to read:

**26750.** (a) The fee for serving an earnings withholding order under the Wage Garnishment Law (Chapter 5 (commencing with Section 706.010) of Division 2 of Title 9 of Part 2 of the Code of Civil Procedure), including, but not limited to, the costs of postage or traveling, and for performing all other duties of the levying officer under that law with respect to the levy shall be forty-five-dollars (\$45).

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