

Kimball, Tiry & St. John LLP

Legal Alert

SB 564: California Statewide Increase for Sheriffs' and Marshals' Fees in 2024

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On June 29, 2023, the California State Legislature filed [SB 564](#) with the Secretary of State, which increases statutorily determined fees for serving, executing, and processing certain court documents by Sheriffs' and Marshals' offices. California law requires the Legislature to provide for an elected county Sheriff, provide for the duties of the Sheriff, and prescribe fees for serving, executing, and processing required court notices, writs, orders, and other services provided by Sheriffs and Marshals.

Sheriffs' offices are required to serve civil process, including summons, warrants, evictions, wage garnishments, small claims documents, levies on property, writs, and other court orders. As part of this process, they are permitted to collect statutorily set fees to cover the cost of providing these services. The passage of SB 564 has increased those fees for services provided by Sheriffs and Marshals, which is the first fee increase since 2015. Each fee increase is specified in the below chart. Due to these increases in the hard costs of your cases, you will see that the fees advanced and charged to your cases will be increased on your billing statements. **These new increased fees will be effective and assessed beginning January 1, 2024.**

Fee Type	Old Fees	New Fees
Service of Summons (Including All Attached Documents and the Complaint)	\$40	\$50
Cancellation (or "Not-Found" Return)	\$40	\$50
Service, Execution or Process of Any Writ or Order Where the Levying Officer Is Required to Take Immediate Possession of the Property Levied Upon	\$100	\$125
Opening a Safe-Deposit Box	\$135	\$170
Serving or Posting Any Additional Required Notices or Orders on Other Parcels	\$20	\$25
Keeping and Caring for Property Under a Writ of Attachment, Execution, Possession, or Sale When Necessarily Employed	\$140	\$175/Any Eight-Hour Period or Any Part Thereof (no keeper can make more than \$350 per 24-hour period: additional keepers can be hired at the same rate)
Maintaining Custody of		

Property Under Levy by the Use of a Keeper	\$40/day (after first day)	\$50/day (after first day)
Fee for Keeper When a Levying Officer Prepares a Not-Found Return	\$60	\$75
Copy of Any Writ, Process, Paper, Order, or Notice Actually Made by the Sheriff When Required or Demanded	\$1/page	\$1.25/page (except that when correct copies are furnished to the Sheriff for use no charge shall be made for those copies)
Preparing and Posting Additionally Required Notices of Personal Property Sales	\$15	\$19
Fee for Furnishing a Notice for Publication	\$15	\$19
Conducting or Postponing the Sale of Real or Personal Property as Required By Law or the Litigant	\$90	\$110
Fee Collected by the Sheriffs' Civil Division or Marshal Under Specified Sections of the Government Code to Be Deposited in a Special Fund in the County Treasury	\$18	\$22 (95% to supplement costs for depositor, 5% to supplement costs to Sheriffs' office)
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	\$85	\$105
For Removing an Occupant or Occupants From the Premises and Putting a Person in Possession of the Premises	\$60	\$75
Cancellation of the Service or Execution of Any Process or Notice, Other Than a Summons, Prior to Its Completion	\$40	\$50
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	\$35	\$50
Execution and Delivery of a Deed or Certificate of	\$15	\$19

Redemption		
Executing and Delivering a Certificate or Deed of Sale	\$15	\$19
Processing Fee 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	\$12	\$15
Certification or Correction on Each Citation That Requires Inspection for Proof of Correction of Any Violation	\$20	\$25 (95% to supplement costs for depositor, 5% to supplement costs to Sheriffs' office)
Serving an Earnings Withholding Order Under the Wage Garnishment Law	\$35	\$45

In support of the passage of SB 564, the Legislature has noted that the overall cost of business has, along with the cost of living and inflation, skyrocketed in recent months. The Sheriffs' and Marshals' offices have stated that they have had a steady increase in personnel and resource costs since 2014 (when the last fee increase was approved), creating revenue deficits within their civil units. They state that this has compounded the need to increase the fees for the services they provide. Additionally, the bill's proponents argued that recently enacted legislation, namely [AB 2791](#) (Bloom), Chapter 417, Statutes 2022, which requires officers to accept electronic submission of requests for service of process beginning in 2024, will further increase their costs of business.

SB 564 increases the statutorily capped fees Sheriffs' and Marshals' Offices can collect to fulfill their legal process services, due to inflation and the increase of costs to provide these services. This bill retains the existing fee waiver process to ensure low-income individuals are not disproportionately impacted by the fee increase.

The full text of SB 564 can be viewed [here](#).

For questions or additional information, please contact your local KTS office or info@kts-law.com.

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