6-04/030.00 Intake of Civil Warrant

The Civil Management Bureau only handles bench warrants issued under CCP 1993, 708.170 and 491.160. All other warrants are handled by the Bailiff or the court clerk. Please refer to Court Services Division Manual 3-15/000.00 – 3-15/000.15.

• 6-04/030.10 Court Clerk

A warrant must be received directly from the issuing court or another sheriff's office, not from a litigant or attorney. The litigant or attorney must provide written and signed instructions AND the statutory fees to the Sheriff prior to a civil bench warrant being issued. Upon acceptance of the instructions and fees, Sheriff's Department personnel shall contact the court clerk of the issuing court and inform them the Sheriff's Department has received fees and request the warrant be issued and forwarded to the Sheriff's Department.

• 6-04/030.20 CCP 1993 Warrants

Bench Warrants issued under CCP 1993 shall be accepted and processed. Warrants shall be given priority over all process except protective orders, evictions, Writs of Attachment, Writs of Possession (Claim and Delivery), and short-dated process. Deputies shall attempt service in accordance with the established Levy Procedures. All Department Policies and Procedures dealing with arrests remain in place. A courtesy letter shall be mailed to the arrestee allowing seven days for him/her to appear before the warrant is placed in the field for service.

• 6-04/030.30 CCP 708.170 and 491.160 Warrants

If the warrant was **not** previously issued under CCP 1993, deposit the fees as usual and create a Warrant Folder. Mail a courtesy letter to the arrestee allowing seven days for him/her to appear. If the arrestee fails to appear, send the original warrant to the County Warrant System (CWS) for entry into the system. 12440 E. Imperial Hwy, 400 W, Norwalk CA 90650 Attention: Sergeant Laura Barron.

a. Enter an "I" (investigation) in our Legacy System and Service Ticket indicating the date the warrant is sent to CWS.

b. CALENDAR the warrant in our Legacy System for the warrant expiration date.

c. Notify CWS by telephone and fax to return the warrant to the originating CMB office when the warrant has expired, recalled or cancelled. Telephone No.(562) 345-4457 Fax No.(562) 651-2577

d. Document the notification to return the expired warrant to the originating CMB office.

e. Once a warrant is retrieved from CWS, return the warrant to court with the appropriate No Service, Not Found, or “Served” letter and close out the Warrant Folder.

If the warrant was **previously issued** under CCP 1993, process the warrant and immediately place in the field for service. DO NOT create or mail a courtesy letter to the arrestee.

• 6-04/030.40 Instructions

Signed written instructions are required and should include information regarding officer hazards, telephone numbers, vehicles driven, and anything else that may be of assistance in locating the person to be arrested. In an effort to enhance the accuracy of civil beach warrants personnel shall request that the plaintiff's instructions contain a description of the defendant whose arrest is to be ordered. If the plaintiff is unable to provide a description, the office shall accept the civil bench warrant and attempt service (CCP 262.1). If the warrant is issued under CCP 708.170 or CCP 491.160, a description of the defendant may not appear. CCP 1993 requires the detailed description of the defendant appear on the warrant, thus the instructions must match the warrant.

The field deputy shall enforce the warrant only where there is a reasonable belief that the person contacted and the one referred to on the warrant are one in the same.

• 6-04/030.45 Warrant Directed to Another County

In the case of a warrant to be served in another county, the original warrant, fee deposit check and Sheriff’s instructions should be directed to the Sheriff’s Department where the warrant has been issued. Counter personnel shall mail the process to the responsible Sheriff’s Department in that county. A comment shall be entered in MAPAS indicating when and to where the warrant packet was mailed.

• 6-04/030.50 Cancellation

The court may recall a civil warrant. In addition, the party who requested service of the warrant may also cancel the request by submitting signed written instructions to do so. However, a criminal warrant charging a violation of CCP 1209 and/or PC 166 must be recalled by the court in the same manner as any other criminal warrant.

• 6-04/030.60 Not Found

The diligence and fee for Not Founding a warrant are not the same as for other civil process. Greater diligence is required because a civil warrant can only be directed to the sheriff. A civil bench warrant cannot be executed by a registered process server, private person or police officer.

• 6-04/030.70 Effect of Bankruptcy on Civil Bench Warrant

When a debtor fails to appear for a judgment debtor examination, the court issues a bench warrant. The Sheriff is subsequently tasked with arresting the debtor and bringing him/her to court, so the debtor can show cause why he/she should not be held in contempt. In the vast majority of cases, the court releases the debtor without posting bail, resets the debtor examination and does not conduct a contempt hearing. If the debtor files a petition in bankruptcy, an automatic stay is created pursuant to 11 USC 362(a) (1) which prevents creditors and levying officers from commencing or continuing a judicial action or proceeding (including a debtor examination) against the debtor. However, 11 USC 362(b) delineates exceptions to the automatic stay. Specifically, 11 USC 362(b) (4) excludes from the automatic stay "the commencement or continuation of an action or proceeding by a governmental unit to enforce such governmental unit's police or regulatory powers." Case law generally recognizes the court's contempt power to uphold the dignity of the court as an exception to the automatic stay. Consequently, the debtor may be arrested for contempt but not subjected to a debtor examination.

• • 6-04/030.75 No Service

Upon receipt of notice of bankruptcy, the debtor shall not be arrested and the bench warrant shall be "No Serviced" without charging a fee. The No Service return shall indicate the bankruptcy Chapter, case number, date of filing and a statement that the warrant is returned to court without service pursuant to the automatic bankruptcy stay (11 USC 362). If the court reissues the warrant in spite of the bankruptcy, the warrant shall be executed so long as it charges contempt on its face.

• 6-04/030.80 Fees

The fees for a warrant issued pursuant to CCP 708.170 or CCP 491.160 are $50: no fee for processing; $40 for cancellation; $35 for a not found; and, $50 to arrest and/or transport to court. A Promise to Appear citation shall not be given. (GC 26744, 26736, 26738)

The fees for a warrant issued pursuant to CCP 1993 are: $40 for processing; $40 for cancellation; $85 for a not found; and, $100 to arrest or arrest and cite. (GOV 26744.5)

• 6-04/030.90 Additional Contempt Statutes

BP 6050 - Disobedience to State Bar proceedings subpoena

BP 6127 - Impersonating an attorney

BP 18845 - Disobedience to Boxing Commission subpoena

BP 22351 - Failure to surrender registered process server identification card

CC 3507.3 - Cruelty to animal in motion picture industry

CCP 116.830 - Contempt for failure to complete declaration of assets in small claims case

CCP 209 - Disobedience to jury summons

CCP 234 - Alternate juror misconduct

CCP 391.7 - Filing by vexatious litigant

CCP 482.080 - Failure to turn over property to levying officer in writ of attachment case

CCP 491.160 - Failure of third party to appear for examination in writ of attachment case

CCP 512.070 - Failure to transfer property pursuant to a writ of possession (claim and delivery)

CCP 667.7 - Failure of health care provider judgment debtor to pay judgment

CCP 706.075 - Failure of employer to deliver earnings withholding order for taxes to employee

CCP 708.120 - Failure to appear for debtor judgment debtor examination

CCP 708.170 - Failure to appear for judgment debtor examination

CCP 714.030 - Failure of judgment debtor to turn over property to levying office in writ of execution case

CCP 717.010 - Failure to comply with order not enforceable under Enforcement of Judgment Law

CCP 1008 - Failure to advise court of previously denied application for an order

CCP 1209 - Acts or omissions constituting direct and indirect contempts of court

CCP 1210 - Re-entry after eviction

CCP 1219.5 - Refusal of minor to testify

CCP 1985.1 - Failure of witness to comply with on call agreement

CCP 1991 - Disobedience to subpoena

CCP 1991.1 - Disobedience to deposition subpoena

CCP 2020.240 - Disobedience to deposition subpoena

CCP 2023.030 - Abusing discovery process

CCP 2025.480 - Refusal to answer at a deposition Court Rule 955 Disbarred attorney practicing law.

Court Rule 1.150 - Photographing, recording, and broadcasting in court

CORP 1603 - Failure to disclose corporation accounting records

CORP 8336 - Failure to disclose non-profit corporation accounting records

CORP 12606 - Failure to disclosed consumer cooperation corporation records

CORP 25531 - Failure to obey subpoena issued by Commissioner of Corporations

FAM 290 - Enforcement of Family Code orders

FAM 5241 - Failure of employer to comply with support order

FAM 5252 - False filing of request for support order

FAM 7883 - Failure to comply with citation to appear at a custody hearing

Food and AGR Code 5605 - Failure to comply with Agricultural Commissioner order

GC 6259 - Failure to disclose public records

GC 9405 - Failure to comply with subpoena issued by legislature

GC 18672 - Disobedience to State Civil Service Commission subpoena

GC 25173 - Disobedience to Board of Supervisors subpoena

GC 27498 - Disobedience to Coroner subpoena

GC 68752 - Disobedience to COMMISSION ON JUDICIAL PERFORMANCE subpoena

HS 11580 - Violation of injunction or abatement order

HS 40842 - Disobedience to Air Pollution Control District subpoena

LAB 132 - Disobedience to Department of Industrial Relations 12924 INS Disobedience to Insurance Commissioner subpoena

Military and Veterans Code 460 - Disobedience to military court subpoena

PC 136.2 - Witness intimidation

PC 278.5 - Deprivation of child custody rights

PC 1328 - Disobedience to criminal subpoena

PC 1328d - Disobedience to criminal subpoena served by mail

PC 1331 - Disobedience to criminal subpoena

PC 1331.5 - Disobedience to criminal subpoena on-call agreement

PC 11229 - Violation of Red Light Abatement order

PROB 2616 - Violation citation issued in conservatorship proceeding

Public Utilities Code 312 - Disobedience to Public Utilities Commission subpoena

VEH 40508 - Driving with an impounded driver’s license

VEH 42003 - Failure to pay fine

WIC 213 - Disobedience to juvenile court order

WIC 340.5 - Threatening a social worker

WIC 664 - Disobedience to juvenile court subpoena