6-05/300.00 Advanced Fee Deposit

The levying officer is required by statute to collect fees in advance prior to performing any services. Whenever drayage and/or storage of a large amount of property is required, a written estimate of the costs should be obtained prior to performing any levy to insure that a sufficient amount of money is on deposit to cover such costs. The plaintiff s attorney should be informed of the estimate prior to the levy. (GC 6100, CCP 488.050 CCP 685.100)

If the advanced fee provided is in the form of a check, please refer to section 6-05/500.00. Pursuant to GC 6157 (c), The Sheriff's Instructions requesting the service of process shall not be attempted until such time the check is actually paid (clears the bank).

• 6-05/300.10 State of California or Other Political Subdivisions

Generally under GC 6103, government entities are not required to pay or deposit any fee for the filing of any document or paper or for the performance of any official service. This section specifically does not apply to the State Compensation Insurance Fund or where a public officer is acting with reference to private assets or obligations which have come under the officer's jurisdiction by virtue of his/her office (such officer is generally denominated as the Public Administrator), or where it is specifically provided otherwise. Many government agencies will quote GC 6103 to exempt them from providing a service fee for the service of civil process.

However, GC 6103.2 indicates that GC 6103 does not apply if the service is required upon all persons or entities within the private sector except where prohibited by other provisions of law, i.e. those specifically identified in statutes: Labor Commissioner and the district attorney's office for the establishment or enforcement of a child support obligation.

Fees for service of process for a government agency which are not charged pursuant to GC 6103,

shall be included in the officer's return and whenever a judgment is recovered in the action or proceeding, the clerk entering the judgment shall include as a part of such judgment any fee amounts for an official service rendered by the clerk of the court, amounts ordered by the court and the fee for the service of process which would have been paid but for Section 6103, designating it as such. When an amount equal to such fees is collected upon that judgment, those amounts shall be due and payable to the serving officer. (GC 6103.5)

• 6-05/300.20 State Warrant for Collection

Advance fees shall be required for levies under state warrants for collection. (UIC 1786, RTC 6777, RTC 19233)

• 6-05/300.30 6-05/300.30 Witness Fees

Generally, there are no witness fees in criminal cases. However, the court may provide for fees under special circumstances. (PC 1329)

Witness fees for civil subpoenas, including affidavit, are dictated by Government Code**.** The Sheriff's Department should not be concerned over witness fees unless the litigant separately provides for it. Service should be made on the witness whether or not witness fees are provided. If fees are provided, a separate check made payable to the witness should be attached to the subpoena served on the witness. There is no additional charge for providing the service, but it should be indicated on the Proof of Service.

GC 68093 Superior Court $35 per day, plus $0.20 per mile.

• • 5-05/300.31 Witness Fees for Peace Officers/Government Employees

Witness fees for a civil subpoena for any employee of a city, county, city and county, special district, redevelopment agency, or any other political subdivision of the state is two hundred seventy-five dollars **($275**) for each day that the employee is required to remain in attendance pursuant to the subpoena. (GC 68096.1)

GC 6103 does not apply to payment or reimbursement of witness fees pursuant to a subpoena because officers do not testify in civil cases as part of their official service. (53 Ops. Atty. Gen. 322 – links only available after 1979)