6-07/900.00 Criminal Summons

A criminal summons against a corporation issued under PC 1390-1397 is served in a different manner than a civil summons in several respects. The summons must be served at least five days before the day of appearance fixed therein, by delivering a copy thereof and showing the original to the president or other head of the corporation, or to the secretary, cashier, managing agent, or an agent of the corporation designated for service of civil process. (PC 1392)

Every object of the service is obtained when the agent served is of sufficient character and rank to make it reasonably certain that the defendant corporation will be apprised of the service made, and whether in any given case the agent in question is a managing agent within the meaning of the statute depends upon the particular facts involved. (Roehl v. The Texas Co., 107 CA 691; Milbank v. Standard Motor Const. Co., 132 CA 67)

Note that the original summons must be shown at the time of service and that the list of persons who may be served on behalf of the corporation is limited to five. Service may be made only by personal delivery to the person to be served. It must be served at least five days before the hearing.

The certificate of service of a criminal summons must show that the summons was served in the manner prescribed by PC 1392. The original summons, with the return attached, must be returned promptly to the clerk of the court. No fee is charged.