



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE

SACRAMENTO LEGISLATIVE OFFICE

GEORGE GASCÓN • District Attorney
SHARON L. WOO • Chief Deputy District Attorney
JOSEPH F. INIGUEZ • Chief of Staff

DANIEL FELIZZATTO • Legislative Advocate
TAMAR TOKAT • Legislative Advocate

June 13, 2022

The Honorable Richard Bloom
California State Assembly
1021 O Street, Suite 8130
Sacramento, CA 95814

ASSEMBLY BILL 2791 (BLOOM) SUPPORT

Dear Assembly Member Bloom:

The Los Angeles County District Attorney's Office is pleased to support Assembly Bill 2791.

AB 2791 would require, on or after January 1, 2024, a marshal or sheriff to accept an electronically signed notice or other court documents issued by a superior court in a civil action.

AB 2791 prohibits a marshal or sheriff from reviewing the substance of a notice or other process for service, and requires service of a notice or other process if the following criteria are met:

- a) A case number appears on the writ, notice or other process. Blank forms, such as responsive forms, are not required to include a case number.
- b) A name, description and address has been provided for the person to be served.
- c) An order to be served, including a restraining order, bears the signature of the judge and court endorsement or seal.
- d) The statewide form required under other provisions of the bill is present and complete.

AB 2791 also directs the Judicial Council, on or before January 1, 2024, to create a statewide form to be used by litigants in civil actions or proceedings to request service of process by the sheriff or marshal.

Under current law the Sheriff's Department or Marshall is tasked with serving court documents, including restraining orders. If the litigant elects to have the Sheriff's Department or Marshall serve the court documents, the litigant completes a Request for Service form (currently created by each Sheriff's Department or Marshall's Office and is unique for each county) and delivers the Request for Service form and the documents to be served to the Sheriff's Department or Marshall's Office.

Low-income litigants and abuse survivors rely heavily on the Sheriff's Department or Marshall's Office for service of court documents because in many cases, especially where firearms may be involved, it is safer for the victim. They also may not be able to afford a private process server and/or do not want to put friends or family at unnecessary risk of harm by serving process.

Until a civil order is served, a restrained party is not required to relinquish currently owned firearms and may not be identified as a prohibited person when attempting to purchase a firearm. Proper and timely

June 13, 2022

Page Two

service of process, therefore, is a critical part of ensuring that restraining orders provide the court-approved protection.

In most California counties, the Sheriff Instruction Form must be physically signed by the applicant using a “wet” signature (i.e. original ink on printed paper) and delivered in person with the documents to be served. During the COVID-19 pandemic, sheriffs in several counties pivoted to electronic options for document delivery and signature, which shows that it is technologically possible to implement the provisions of AB 2791.

Many courts now offer e-filing options and have moved to allow litigants to use technology to access court functions. Many low-income and rural litigants do not have a means of obtaining a printed copy of court documents that are filed and received electronically from the court, nor a way to transport paper documents to a distant sheriff’s department for service.

In some counties, the Sheriff’s department also engages in a substantive review of court orders already reviewed and signed by a judge which delays the service process and increases the risk of harm to the applicant.

As amended, AB 2791 provides the needed time for both the Judicial Council to develop a statewide form and provides law enforcement with the time needed to acquire and develop the necessary procedures and technologies to accept electronic requests for service of process.

During the COVID lockdown there was a well publicized increase in incidents of DV. At the same time many of our courts were closed to in-person hearings and instead were holding electronic appearances. This of course resulted in an increase in the issuance of electronic court orders. Courts and civil litigants are going to increasingly move towards the use of electronic appearances and the use of electronic service and filing of court documents.

Many low-income populations rely heavily on law enforcement agencies for service of legal documents. Many low-income Californians do not have access to a car or cannot take time off work to get to a sheriff’s office during their hours of operation. Thus, refusing to accept electronic submissions effectively forecloses access to the most cost-effective service of process option of important legal documents, such as restraining orders, to already marginalized portions of our state’s population.

If you have any questions or need additional information, please feel free to contact Daniel Felizzatto in my Sacramento Legislative Office at (916) 442-0668.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Gascón", written in a cursive style.

GEORGE GASCÓN
District Attorney