

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 2973 Session of
1980

INTRODUCED BY FISHER, SPENCER AND W. D. HUTCHINSON,
OCTOBER 7, 1980

REFERRED TO COMMITTEE ON JUDICIARY, OCTOBER 7, 1980

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, adding provisions
3 relating to district constables.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. The definitions of "officer enforcing orders" and
7 "process" in section 102 of Title 42, act of November 25, 1970
8 (P.L.707, No.230), are amended and a definition is added to
9 read:

10 § 102. Definitions.

11 Subject to additional definitions contained in subsequent
12 provisions of this title which are applicable to specific
13 provisions of this title, the following words and phrases when
14 used in this title shall have, unless the context clearly
15 indicates otherwise, the meanings given to them in this section:

16 * * *

17 "District constable." A district constable elected or
18 appointed pursuant to Subchapter C of Chapter 29 (relating to

1 district constables).

2 * * *

3 "Officer enforcing orders." Includes:

4 (1) A recorder of deeds when the order affects the
5 ownership of an interest in property described or describable
6 by a document which has been or may be filed or recorded in
7 his office, or relates to the indexing of documents filed or
8 recorded in his office.

9 (2) A register of wills.

10 (3) A sheriff.

11 (4) A district constable.

12 * * *

13 "Process." A document evidencing a command of a court or of
14 a district justice.

15 * * *

16 Section 2. Subchapter C of Chapter 29 of Title 42 is amended
17 to read:

18 CHAPTER 29

19 OFFICERS SERVING PROCESS AND

20 ENFORCING ORDERS

21 * * *

22 SUBCHAPTER C

23 [CONSTABLES

24 (Reserved)]

25 DISTRICT CONSTABLES

26 Sec.

27 2941. Definitions and scope.

28 2942. District constable selection.

29 2943. Qualifications for office.

30 2944. Vacancies in office.

- 1 2945. Compatible and incompatible offices and activities.
- 2 2946. Training.
- 3 2947. Deputy district constables.
- 4 2948. Election day appointments and duties of special deputies.

5 ADMINISTRATIVE MATTERS

- 6 2951. Priority of district constable business.
- 7 2952. Records.
- 8 2953. Registration and identification cards.
- 9 2954. Uniform.
- 10 2955. Bonds.

11 POWERS AND DUTIES

- 12 2961. Service of process.
- 13 2962. Police powers in certain municipalities.
- 14 2963. Transportation of prisoners and mental patients.
- 15 2964. Protection of district justice.
- 16 2965. Acceptance of security for appearance.
- 17 2966. Recovery of certain vehicle registration cards, plates
- 18 and licenses.
- 19 2967. Authority to carry and use a firearm.
- 20 2968. Unlawful acts relative to district constables.

21 COMPENSATION AND EXPENSES

- 22 2971. Compensation and expenses generally.
- 23 2972. Specific fees.
- 24 2973. Fee assessment.

25 DISTRICT CONSTABLES

26 § 2941. Definitions and scope.

27 (a) Definitions.--The following words and phrases when used
28 in this subchapter shall have, unless the context clearly
29 indicates otherwise, the meanings given to them in this section:

30 "Deputy." A deputy district constable appointed under the

1 provisions of section 2947 (relating to deputy district
2 constables).

3 "President judge." The president judge of the judicial
4 district embracing the magisterial district in which a district
5 constable or a deputy was elected or appointed.

6 "Training." Any course of education, instruction and
7 training and any examination taken in connection therewith,
8 provided for in section 2946 (relating to training).

9 (b) Territorial scope.--The provisions of this subchapter
10 shall apply throughout this Commonwealth except in the first
11 judicial district.

12 § 2942. District constable selection.

13 (a) Number per district.--District constables shall be
14 elected in each magisterial district according to the following
15 schedule:

16 Population of magisterial district	Number of district
17 at last decennial census	constables to be
18	elected in district
19 25,000 or less	1
20 25,001 to 50,000	2
21 50,001 and over	3

22 (b) Terms and election.--District constables shall be
23 elected for a term of six years, in the manner provided by the
24 act of June 3, 1937 (P.L.1333, No.320), known as the
25 "Pennsylvania Election Code,"

26 § 2943. Qualifications for office.

27 (a) General requirements.--Each candidate for the office of
28 district constable shall be a citizen of this Commonwealth at
29 least 18 years of age and shall be a resident of the magisterial
30 district for which he files for election or is appointed.

(b) Physical and mental examination.--Every district constable shall pass a physical and mental examination prior to receiving his commission. The standards for and content of such examination shall be established by the Administrative Office.

§ 2944. Vacancies in office.

(a) Disqualification and removal from office.--

(1) A person convicted of a felony or misdemeanor shall be disqualified from filing for or holding the office of district constable or deputy.

(2) A district constable or a deputy convicted of a felony or misdemeanor while in office shall be suspended from the exercise of his powers and the performance of his duties upon initial conviction. The suspension shall result in immediate removal from office if the conviction is affirmed on appeal and the resulting vacancy shall be filled pursuant to subsection (b). If the district constable or deputy is acquitted, the suspension shall be vacated.

(3) A district constable may be removed from office by the president judge if after a hearing the district constable is found to be incompetent or negligent in performing his duties including, but not limited to, refusal to serve process within a reasonable time for the district justice in his magisterial district.

(b) Filling of vacancies.--Vacancies in the office of district constable shall be filled by the president judge who shall appoint a qualified person to fill the vacancy, giving first consideration to any deputy district constables of the magisterial district. The person appointed shall be commissioned by the Governor to hold office until the first Monday in January after the municipal election occurring more than 60 days after

1 the vacancy first occurs, at which election a qualified person
2 shall be elected for the unexpired term.

3 § 2945. Compatible and incompatible offices and activities.

4 (a) Compatible activities.--Nothing in this title or any
5 other statute shall be construed to prohibit a district
6 constable or a deputy in his capacity as a private citizen from
7 engaging in the following activities:

8 (1) School security duties.

9 (2) Municipal security duties.

10 (3) Traffic duty at special events.

11 (b) Incompatible offices and activities.--The following
12 offices and activities are incompatible with the office of
13 district constable and deputy district constable:

14 (1) District attorney or assistant district attorney.

15 (2) Sheriff.

16 (3) County treasurer.

17 (4) Any election officer.

18 (5) Private detective.

19 (6) Police officer except as provided in section 2962
20 (relating to police powers in certain municipalities).

21 (7) Private collection agent.

22 (8) Bail bondsman.

23 § 2946. Training.

24 (a) Course of training.--Every district constable shall
25 complete a course of training in the duties of his office as
26 prescribed by the Administrative Office and shall successfully
27 pass an examination prior to assuming the duties of office if
28 elected for a full term or within nine months after being
29 elected for an unexpired term or upon taking office pursuant to
30 an appointment to fill a vacancy.

1 (b) Time and manner of training.--The Administrative Office
2 shall conduct the training at such times, at such places and in
3 such manner as it shall prescribe to assure that any district
4 constable to be elected or appointed may qualify to assume
5 office as soon as possible.

6 (c) Admission of interested persons.--In addition to those
7 persons required by this subchapter to complete the course of
8 training and successfully pass an examination, any interested
9 person may apply to the Administrative Office to be enrolled in
10 the course of training and take the examination, subject to such
11 regulations as the Administrative Office may prescribe. Such
12 regulations shall include but not be limited to a reasonable fee
13 for the training and examination. The fee shall be reimbursed if
14 the examinee is elected or appointed to the office of district
15 constable within one year after successful completion of the
16 course of training and examination.

17 (d) Completion of training.--Upon the successful completion
18 of the course of training and examination, the Administrative
19 Office shall issue a certificate certifying that the examinee is
20 qualified to perform his duties as required by this subchapter.
21 Such certificate shall be filed in the office of the clerk of
22 the court of common pleas of the judicial district embracing the
23 magisterial district for which the district constable was
24 elected or appointed. An elected or appointed district constable
25 who fails to obtain and file such certificate in the appropriate
26 office within nine months after his election or appointment,
27 shall forfeit his office and such vacancy shall be filled as
28 provided in section 2944 (relating to vacancies in office).

29 (e) Firearms training.--

30 (1) Every district constable shall complete a course of

1 training in the use of firearms and shall successfully pass
2 an examination within one year after his election or
3 appointment, absent which he shall not carry or use a firearm
4 in the performance of his duties. A district constable may in
5 the course of his duties carry and use a firearm during the
6 one-year period while pursuing the course of training upon
7 receipt of written approval of the president judge.

8 (2) The course of training shall include at least 35
9 hours of training provided by the State Police or at a school
10 certified by the State Police for such purposes consistent
11 with the training program provided under the act of October
12 10, 1974 (P.L.705, No.235), known as the "Lethal Weapons
13 Training Act."

14 (3) The Administrative Office may waive the requirements
15 of paragraphs (1) and (2) or any portion thereof if the
16 district constable demonstrates that he has successfully
17 completed a comparable training program.

18 (f) Expenses of training.--The expenses of training and
19 examinations required by this subchapter shall be paid by the
20 Commonwealth except as provided in subsection (c)

21 (g) Exceptions.--Any person who served for six consecutive
22 years as a constable during the period immediately preceding the
23 effective date of this section shall be exempt from the training
24 requirements of this subchapter. Any person meeting the
25 requirements for exemption shall be certified exempt by the
26 Administrative Office.

27 § 2947. Deputy district constables.

28 (a) Appointment.--A district constable may appoint one or
29 more deputies who shall be commissioned by the president judge.

30 (b) Qualifications.--A deputy shall be subject to the

1 eligibility and training requirements of section 2946 (relating
2 to training) and shall present evidence to the president judge
3 of having fulfilled those requirements prior to receiving his
4 commission. A deputy so appointed shall be the agent of the
5 district constable and shall be regulated and supervised by the
6 district constable and may be removed by him or by the president
7 judge for just cause.

8 (c) Powers and duties.--A deputy shall have the same powers
9 and duties as a district constable except that the deputy may
10 not nominate for appointment or appoint another deputy nor may
11 he exercise the powers authorized in section 2962 (relating to
12 police powers in certain municipalities). A deputy shall serve
13 or execute only such process as is assigned to him for service
14 or execution by the district constable.

15 § 2948. Election day appointments and duties of special
16 deputies.

17 (a) Appointment.--Notwithstanding the provisions of section
18 2947 (relating to deputy district constables), upon request of
19 the county board of elections, a district constable may appoint
20 without court approval one special deputy per election district
21 to perform appropriate duties and preserve the peace at polling
22 places on election day. The appointment of such special deputies
23 shall expire at the completion of the counting of the votes in
24 the election district.

25 (b) Powers.--The powers of such special deputies shall
26 include only those powers granted to district constables
27 generally regarding elections. Special deputies for election day
28 duty shall not be subject to the requirements of section 2946
29 (relating to training).

30 (c) Restrictions.--A special deputy appointed under this

1 section, a district constable, or a deputy, whether in uniform
2 or in civilian clothes, shall not be present within 100 feet of
3 a polling place during the conduct of any primary or election
4 unless in the exercise of his privilege of voting or for the
5 purpose of serving warrants or unless called upon to preserve
6 the peace. A special deputy appointed under this section, a
7 district constable or a deputy while on duty at a polling place
8 shall not use or practice any intimidation, threats, force or
9 violence nor in any manner, unduly influence any elector or
10 prevent him from voting or restrain his freedom of choice, nor
11 may any of such persons electioneer or directly or indirectly
12 attempt to influence the election or electors. While on such
13 duty a special deputy appointed under this section, a district
14 constable or a deputy shall not carry or use a firearm.

15 ADMINISTRATIVE MATTERS

16 § 2951. Priority of district constable business.

17 A district constable shall devote the time necessary for the
18 prompt and proper disposition of the business of his office,
19 which shall be given priority over any other occupation,
20 business, profession, pursuit or activity.

21 § 2952. Records.

22 Every district constable shall maintain accurate records of
23 the functions performed by him and his deputies. Such records
24 shall be open for inspection by the president judge and as
25 otherwise provided or prescribed by law. Section 4301(b)
26 (relating to supervision by Administrative Office) shall apply
27 to records maintained under this section.

28 § 2953. Registration and identification cards.

29 Every district constable and deputy shall be registered in
30 the Administrative Office and shall carry with him while on

1 official duties an identification card issued by the
2 Administrative Office.

3 § 2954. Uniform.

4 A district constable or a deputy may wear a uniform when
5 engaged in the duties of his office. A district constable or a
6 deputy shall not wear a uniform when acting in a private
7 capacity. The Administrative Office shall prescribe the
8 specifications for a standard uniform.

9 § 2955. Bonds.

10 Every district constable and every deputy shall give bond to
11 the Commonwealth with a surety approved by the president judge
12 in the amount determined by the president judge. Such bond shall
13 be filed with the clerk of the court of common pleas of the
14 judicial district embracing the magisterial district for which
15 the district constable or deputy is elected or appointed and
16 shall be conditioned on the just and faithful discharge by the
17 district constable of the duties of his office. The bond of a
18 deputy shall be similarly conditioned. Such bonds shall be held
19 for the use and benefit of any person who may sustain damage by
20 reason of neglect of or improper performance of official duties
21 by the deputy or the district constable. Any other bond required
22 of a district constable or a deputy under section 1724(a)(8)
23 (relating to personnel of the system) shall be paid for by the
24 county.

25 POWERS AND DUTIES

26 § 2961. Service of process.

27 (a) General power.--A district constable is authorized to
28 serve and execute any lawful civil, criminal or administrative
29 process issued by a district justice and any other process
30 except process which must be served or executed by a sheriff or

1 a deputy sheriff under general rules. Process issued by a
2 district justice shall be served or executed in the manner
3 prescribed by general rules.

4 (b) Civil and administrative process.--Civil and
5 administrative process issued by a district justice may be
6 served by a district constable within the judicial district
7 embracing the magisterial district for which he is elected or
8 appointed regardless of where such process was originally
9 issued.

10 (c) Criminal process.--Criminal process issued by a district
11 justice may be served by a district constable anywhere in this
12 Commonwealth when the process is issued by a district justice of
13 the judicial district in which the district constable is elected
14 or appointed. A district constable is authorized to serve any
15 criminal process within his judicial district regardless of
16 where such process was originally issued.

17 (d) Transfer of process for service outside the judicial
18 district.--Process for service on persons residing in a judicial
19 district other than the judicial district where the process
20 issued may be transferred by a district justice to the
21 appropriate district constable. Notwithstanding section 2941(b)
22 (relating to territorial scope), process for service in the
23 first judicial district may be transferred by a district justice
24 to the Philadelphia Municipal Court or the Traffic Court of
25 Philadelphia for service and from these courts to the
26 appropriate district justice.

27 § 2962. Police powers in certain municipalities.

28 (a) General rule.--A municipality that has no organized
29 municipal police force may formally appoint as a police officer
30 the appropriate district constable as provided by law. A

1 district constable acting pursuant to such appointment shall
2 have all the powers and be subject to the same restraints as a
3 police officer would have in the municipality if it had an
4 organized police force.

5 (b) Certification required.--A district constable shall not
6 perform police duties pursuant to this section unless such
7 district constable has been certified pursuant to the act of
8 June 18, 1974 (P.L.359, No.120), referred to as the Municipal
9 Police Education and Training Law.

10 § 2963. Transportation of prisoners and mental patients.

11 When directed by a district justice or a court, a district
12 constable shall have the authority to transport prisoners and
13 mental patients. At least two district constables or one
14 district constable and a deputy or two deputies shall be
15 employed when transporting prisoners or mental patients.

16 § 2964. Protection of district justice.

17 Upon the request of and a showing of sufficient cause by the
18 district justice to the president judge, and subject to the
19 approval of the president judge, a district constable or a
20 deputy shall provide personal protection to the district
21 justice.

22 § 2965. Acceptance of security for appearance.

23 In summary cases a district constable is authorized to accept
24 security for the appearance of a defendant before a district
25 justice.

26 § 2966. Recovery of certain vehicle registration cards,
27 plates and licenses.

28 A district constable shall take possession of expired,
29 suspended or revoked vehicle registration cards, plates and
30 licenses upon receipt of a written order from the Department of

1 Transportation.

2 § 2967. Authority to carry and use a firearm.

3 Except as otherwise provided in section 2948(c) (relating to
4 election day appointments and duties of special deputies) a
5 district constable is authorized to carry and use a firearm in
6 the performance of his official duties upon the successful
7 completion of the requirements set forth in section 2946
8 (relating to training). A district constable shall be subject to
9 the same requirements and statutes provided for police officers
10 in regard to licensing and registration of firearms.

11 § 2968. Unlawful acts relative to district constables.

12 A person who forcibly obstructs, resists or opposes a
13 district constable or deputy in serving or attempting to serve
14 or execute any legal process or order or in making a lawful
15 arrest with or without a warrant or assaults a duly authorized
16 district constable or deputy in serving or executing any such
17 legal process or order or because the district constable or
18 deputy served or executed the same or rescues another in legal
19 custody commits a misdemeanor of the third degree and shall be
20 subject to arrest on view by a district constable, a deputy or
21 other authorized peace officer.

22 COMPENSATION AND EXPENSES

23 § 2971. Compensation and expenses generally.

24 (a) Policies and procedures relating to fees.--The
25 Administrative Office shall establish policies and procedures
26 for the collection and payment of the fees of district
27 constables. Such procedures shall include but not be limited to
28 providing adequate auditing and accounting procedures as to
29 fines, costs and fees paid to and collected by district justices
30 and district constables. Fees shall be subject to section 3502

1 (relating to financial regulations) applicable to system and
2 related personnel other than county staff.

3 (b) Compensation of district constables.--A district
4 constable shall be compensated for his services by the payment
5 of fees authorized pursuant to this section and section 2972
6 (relating to specific fees).

7 (c) Compensation of deputies.--A district constable shall be
8 entitled to receive all fees payable as a result of services
9 performed by his deputies. A district constable shall be
10 responsible for the payment of compensation to his deputies
11 pursuant to an agreement made between the district constable and
12 his deputies. A district constable shall compensate the deputy
13 in an amount not less than a sum equal to 80% of the fee
14 collected for the services performed. Compensation payable to a
15 deputy shall be paid to him within the calendar month following
16 receipt of payment by the district constable for the service
17 performed.

18 (d) Form of payment.--A district constable is authorized to
19 accept cash, check or money order in payment for his services. A
20 receipt shall be provided for any payment received.

21 (e) Additional hourly compensation.--In addition to the fees
22 authorized in section 2972 for specific services, the
23 administrative office may promulgate regulations authorizing
24 payment to district constables at an hourly rate not to exceed
25 \$7.50 per hour for designated services and functions not
26 otherwise specified in this subchapter.

27 (f) Reimbursement for expenses of travel.--

28 (1) A district constable shall be paid a minimum fee of
29 \$1.70 as a travel allowance or for actual mileage traveled at
30 the rate of 17¢ per mile circular, whichever is greater.

1 Actual mileage traveled shall be computed by using the office
2 of the district justice as the starting point and computing
3 the distance from that office to the first service stop made
4 by the district constable and by adding the distance from the
5 first service stop to the second service stop and so forth to
6 all subsequent service stops. The termination point shall be
7 the office of the district justice.

8 (2) A district constable shall be paid for other travel
9 expenses not to exceed accountable expenses if travel is by
10 means other than motor vehicle.

11 (g) Multiple service of process.--In criminal and civil
12 cases when multiple processes are served, a district constable
13 shall be paid for each process served even though service may be
14 performed at one time. The district constable shall be paid only
15 one travel allowance or expense fee, except in those instances
16 when multiple trips are required and approved by the court or
17 the district justice.

18 (h) Services performed by more than one district
19 constable.--When a service is performed by more than one
20 district constable or deputy under authorization of the district
21 justice or the president judge, compensation as provided in
22 section 2972 shall be payable to each district constable and
23 deputy.

24 (i) Service of process by mail.--When service of process is
25 authorized and made by mail, the costs of postage shall be
26 advanced by the party commencing the action or proceeding. Such
27 costs shall be recoverable as other costs.

28 (j) Payment for services performed.--A district constable
29 shall be compensated according to the fees provided for in this
30 subchapter, payment to be made by the district justice within 30

1 days from the time the district justice receives payment for the
2 service performed. Neither the governing authority nor any court
3 or district justice shall suspend the compensation and travel
4 expenses for services performed by a district constable. Where
5 the related fee is suspended or is not collected by the district
6 justice within 90 days of the performance of the service, it
7 shall be paid to the district constable by the county.

8 § 2972. Specific fees.

9 The fees to be charged and received by district constables
10 are as follows:

11 (1) The sum of \$12 for performing any of the following
12 services:

13 (i) Executing a warrant on behalf of the
14 Commonwealth or a political subdivision.

15 (ii) Taking a defendant before a district justice
16 for the purpose of making bail.

17 (iii) Taking a defendant before an issuing authority
18 where the defendant cannot pay, or where no fine or costs
19 are stated on the warrant or for arraignment.

20 (iv) Conveying a defendant to jail on mittimus or
21 warrant or order of the court or a district justice or
22 because a judge or a district justice is not available.

23 (v) Taking a defendant before a district justice
24 from prison or jail.

25 (vi) Executing a search warrant and making return
26 thereof.

27 (vii) Serving an order for possession of real
28 estate.

29 (2) The sum of \$6 for performing any of the following
30 services:

1 (i) Executing a discharge to a jailer.

2 (ii) Accepting security in a summary case unless
3 given at the time of and in connection with the service
4 of a warrant.

5 (3) The following amounts for performing the following
6 services:

7 (i) Transporting a prisoner from another judicial
8 district to the issuing authority within the home
9 district of the district constable for hearing or
10 arraignment, the sum of \$20 per district constable if
11 within 50 miles or \$50 per district constable if more
12 than 50 miles.

13 (ii) Appearing as a witness at a hearing on a
14 summary citation or a misdemeanor case, the sum of \$7.50
15 per hour or fraction thereof, with a minimum of \$7.50.

16 (iii) Appearing in court when served with a subpoena
17 or summoned, the sum of \$7.50 per hour or fraction
18 thereof, with a minimum of \$7.50.

19 (iv) Serving a subpoena in civil and criminal cases
20 or judicial notice of hearing in any civil case, the sum
21 of \$6 for the first witness or defendant, plus \$2 for
22 each additional witness or defendant at the same address.

23 (v) Serving an order of execution, the sum of \$7.50.

24 (vi) Levying on goods, including the preparation of
25 a schedule of property levied upon and set aside at each
26 address, the sum of \$20.

27 (vii) Posting notice of levy at each address levied,
28 \$5 per notice, the total per levy not to exceed \$15.

29 (viii) Posting notice of sale, each notice \$5, a
30 maximum not to exceed \$10.

1 (ix) Advertising sale of personal property of
2 defendant by posting handbills, the sum of \$5.

3 (x) Acting as clerk at sale, the sum of \$15.

4 (xi) Holding sale, 3% on all proceeds or \$20,
5 whichever is greater.

6 (xii) Forcing ejectment on order for possession of
7 real estate, the sum of \$30.

8 (xiii) Making return of not found on any process and
9 certification of return by the district constable or
10 deputy, the sum of \$2.

11 (xiv) Transporting mental patients within the
12 judicial district the sum of \$10, or if outside the
13 judicial district, the sum of \$20.

14 (xv) Recovering an expired, suspended or revoked
15 vehicle registration or license, the flat sum of \$9
16 without a travel allowance.

17 (4) Other services:

18 (i) In those instances where a service is performed
19 by more than one district constable or with the
20 assistance of deputies, each district constable shall be
21 required to collect sufficient fees to compensate himself
22 and each deputy at the fee provided for that service.

23 (ii) Special deputy district constables for election
24 day duties under section 2948 (relating to election day
25 appointments and duties of special deputies) shall
26 receive compensation which is the same as that payable to
27 inspectors and clerks as provided by the act of June 3,
28 1937 (P.L.1333, No.320), known as the "Pennsylvania
29 Election Code." Such compensation shall be paid by the
30 county.

1 (iii) Services not herein specifically provided for
2 shall be compensated at the same rate or in the same
3 amount as for similar services specified in this section.

4 § 2973. Fee assessment.

5 An additional fee of \$2, which fee shall not be suspended,
6 shall be charged to all persons on whom criminal process is
7 successfully served, unless acquitted, which fee shall be
8 transmitted as follows:

9 (1) One dollar to the Commonwealth for its General Fund.

10 (2) One dollar to the county in which the district
11 constable or deputy who served the process is located as
12 reimbursement for the expenses of judicial administration.

13 Section 3. The initial election for the office of district
14 constable shall take place at the municipal election next
15 following one year after the effective date of this act.

16 Section 4. (a) Any constable in office on the effective
17 date of this act may complete the remainder of his term, at the
18 completion of which his office is abolished.

19 (b) The office of any constable who shall die, resign,
20 retire, be removed or suspended, or be appointed or elected to
21 the office of district constable, is abolished on the date of
22 such death, resignation, retirement, removal, suspension,
23 appointment or election.

24 (c) Any constable or deputy constable holding office under
25 former provisions of law on the effective date of this act shall
26 be subject to the provisions of this act, except the following
27 sections of 42 Pa.C.S.:

28 § 2943. (relating to qualifications for office).

29 § 2946. (relating to training).

30 § 2947. (relating to deputy district constables).

1 Section 5. The following acts or parts of acts are repealed
2 absolutely:

3 Act of March 1, 1799 (3 Sm.L.354, Ch.2012), entitled "A
4 supplement to the act, entitled 'An Act to extend the powers of
5 the Justices of the Peace of this state.'"

6 Sections 12 and 19, act of March 20, 1810 (P.L.208, No.132),
7 entitled "An act to amend and consolidate with its Supplements,
8 the Act entitled 'An act for the recovery of debts and demands,
9 not exceeding one hundred dollars, before a Justice of the
10 Peace, and for the election of Constables, and for other
11 purposes.'"

12 Act of January 21, 1814 (P.L.28, No.9), entitled "An act
13 allowing compensation to constables for attending the several
14 courts within this Commonwealth."

15 Act of April 24, 1829 (P.L.369, No.216), entitled "A further
16 supplement to the act entitled An act to amend and consolidate
17 with its supplements, the act entitled 'An act for the recovery
18 of debts and demands not exceeding one hundred dollars before a
19 justice of the peace, and for the election of constables, and
20 for other purposes.'"

21 Sections 107, 108, 109, 110, 111, 112, 113, 114 and 116, act
22 of April 15, 1834 (P.L.537, No.247), entitled "An act relating
23 to counties and townships, and county and township officers."

24 Section 14, act of May 27, 1841 (P.L.400, No.141), entitled
25 "An act relating to the Election of County Treasurers, and for
26 other purposes."

27 Section 19, act of April 22, 1850 (P.L.549, No.342), entitled
28 "A supplement to an act, entitled, 'An Act to prevent waste in
29 certain cases within this commonwealth,' passed the twenty-ninth
30 day of March, one thousand eight hundred and twenty-two; to land

1 and building associations; giving the court of Susquehanna
2 county jurisdiction in a certain case; relative to the service
3 of process in certain cases; to party walls in West
4 Philadelphia; to the proof of a certain will; to the sale and
5 purchase of certain burial grounds in Philadelphia; to the
6 laying of gas pipes in the district of Moyamensing; to the
7 release of certain sureties in Erie county; to the State Lunatic
8 hospital; relative to the service of process against sheriffs;
9 to the rights of married women; to ground rents; and relating to
10 foreign insurance companies."

11 Act of February 14, 1889 (P.L.6, No.5), entitled "An act to
12 authorize the election of constables for three years."

13 Act of May 4, 1889 (P.L.83, No.79), entitled "An act to
14 authorize the election of constables for three years in cities
15 of the second and third class."

16 Act of June 4, 1897 (P.L.121, No.101), entitled "An act
17 relating to boroughs, providing a method of procedure for
18 violations of law and borough ordinances, and for the collection
19 of the fines and penalties imposed for said violations."

20 Act of July 14, 1897 (P.L.266, No.209), entitled "An act to
21 regulate the remuneration of policemen and constables employed
22 as policemen through the Commonwealth of Pennsylvania, and
23 prohibiting them from charging or accepting any fee or other
24 compensation, in addition to their salary, except as public
25 rewards and mileage for traveling expenses."

26 Act of February 17, 1899 (P.L.3, No.1), entitled "An act to
27 fix, regulate and establish the fees to be charged and received
28 by constables in this Commonwealth."

29 Act of May 2, 1901 (P.L.131, No.98), entitled "An act to fix,
30 regulate and establish the fees to be charged and received by

1 constables in this Commonwealth for executing an order of relief
2 of a pauper."

3 Act of April 25, 1905 (P.L.309, No.214), entitled "An act
4 authorizing policemen to hold and exercise the office of
5 constables."

6 Act of April 23, 1909 (P.L.151, No.104), entitled "An act
7 fixing the fees to be received by constables in this
8 Commonwealth."

9 Act of June 9, 1911 (P.L.727, No.299), entitled "An act
10 authorizing the election in first class townships of an
11 additional constable, and fixing his term."

12 Act of June 19, 1913 (P.L.534, No.342), entitled "An act
13 relating to appointment of deputy constables."

14 Act of July 20, 1917 (P.L.1158, No.401), entitled "An act to
15 fix, regulate, and establish the fees to be charged and received
16 by constables in this Commonwealth."

17 Act of May 31, 1919 (P.L.357, No.171), entitled "An act
18 relating to the duties of constables in certain counties;
19 prohibiting them from making returns to the court of quarter
20 sessions in certain cases; authorizing the court to direct
21 investigations and reports by constables, and fixing their
22 compensation in such cases."

23 Section 14, act of June 28, 1923 (P.L.903, No.348), entitled
24 "A supplement to an act, approved the fourteenth day of May, one
25 thousand nine hundred and fifteen (Pamphlet Laws, three hundred
26 and twelve), entitled 'An act providing a system for government
27 of boroughs, and revising, amending, and consolidating the law
28 relating to boroughs'; so as to provide a system of government
29 where a borough now has annexed or hereafter shall annex land in
30 an adjoining county, including assessment of property, levying

1 and collection of taxes, making municipal improvements, and
2 filing and collecting of liens for the same; the jurisdiction of
3 courts for the enforcement of borough ordinances and State laws,
4 and primary, general, municipal, and special elections; and
5 repealing inconsistent laws."

6 Act of April 6, 1925 (P.L.155, No.113), entitled "An act
7 providing constables' fees for service of writs in juvenile
8 cases."

9 Act of March 20, 1929 (P.L.32, No.32), entitled "An act
10 providing for the filling of vacancies in the office of
11 constable in any borough, town, ward of any city, borough, or
12 town or township of this Commonwealth."

13 Act of February 28, 1933 (P.L.5, No.3), entitled "An act
14 relating to constables' returns to the court of quarter
15 sessions."

16 Act of May 26, 1943 (P.L.637, No.280), entitled "An act
17 providing that the terms of constables hereafter elected in
18 cities of the second, second class A and third classes, boroughs
19 and townships, shall be for six years."

20 Section 1126, act of February 1, 1966 (1965 P.L.1656,
21 No.581), known as "The Borough Code."

22 Subsections (j) and (k) of section 2, act of April 28, 1978
23 (P.L.202, No.53), known as the "Judiciary Act Repealer Act."

24 Section 6. The following acts or parts of acts are repealed
25 insofar as they relate to the office and duties of constables
26 and district constables as provided by this act:

27 Sections 3 and 7, act of March 4, 1824 (P.L.32, No.31),
28 entitled "A supplement to the act entitled 'An act laying a duty
29 on the retailers of Foreign Merchandise.'"

30 Section 9, act of April 12, 1825 (P.L.247, No.132), entitled

1 "An act more effectually to secure the collection of the revenue
2 from tavern licenses, and for other purposes."

3 Act of May 3, 1850 (P.L.666, No.390), entitled "An act
4 regulating the municipal and other elections in the city of
5 Philadelphia, and to establish an uniform system of police for
6 the city of Philadelphia and the districts of Southwark,
7 Moyamensing, Spring Garden, Penn Township, the incorporated
8 Northern Liberties and Kensington."

9 Section 17, act of April 3, 1851 (P.L.320, No.218), entitled
10 "An act regulating boroughs."

11 Act of April 21, 1855 (P.L.283, No.297), entitled "An act
12 establishing Fees for Commitments to Houses of Refuge."

13 Act of March 12, 1866 (P.L.182, No.154), entitled "An act
14 relative to duties and powers of constables and railroad
15 conductors, in the counties of Erie, Crawford, Luzerne,
16 Susquehanna and Pike."

17 Act of May 10, 1878 (P.L.51, No.72), entitled "A supplement
18 to an act, entitled 'An act to prescribe the manner in which the
19 courts may divide boroughs into wards,' approved the fourteenth
20 day of May, Anno Domini one thousand eight hundred and seventy-
21 four."

22 Act of April 24, 1885 (P.L.9, No.11), entitled "An act to
23 amend an act, entitled 'An act to provide for the destruction,
24 and to prevent the spread of Canada thistles,' approved the
25 twenty-second day of March, Anno Domini one thousand eight
26 hundred and sixty-two."

27 Act of February 12, 1889 (P.L.3, No.1), entitled "An act to
28 provide for the commencement of the terms of office of
29 councilmen, constables and school directors in new wards, when
30 erected in cities of the first class under existing laws and

1 where the several wards constitute separate school districts, to
2 provide for the supervision of the public schools in such new
3 wards until the organization of the board of school directors of
4 the new school section, and to provide for the term of
5 councilmen and constables already elected by the voters of the
6 old ward."

7 Section 4, act of May 11, 1927 (P.L.968, No.461), entitled
8 "An act to provide for the licensing and regulation of public
9 dance halls and ballrooms, and for the regulation and
10 supervision of public dances and balls, in townships."

11 Section 2005, act of June 23, 1931 (P.L.932, No.317), known
12 as "The Third Class City Code."

13 Section 1401, act of June 24, 1931 (P.L.1206, No.331), known
14 as "The First Class Township Code."

15 Sections 1207, 1220, 1811, 1821 and 1822, act of June 3, 1937
16 (P.L.1333, No.320), known as the "Pennsylvania Election Code."

17 Sections 234 and 1121, act of February 1, 1966 (1965
18 P.L.1656, No.581), known as "The Borough Code."

19 51 Pa.C.S. § 6108 (relating to liability of public officers
20 for nonexecution of process).

21 Section 7. This act shall take effect in 30 days.