

---

THE GENERAL ASSEMBLY OF PENNSYLVANIA

---

**HOUSE BILL**  
**No. 2336** Session of  
1986

---

INTRODUCED BY DUFFY, MAYERNIK, MRKONIC, PETRONE AND LEVDANSKY,  
APRIL 9, 1986

---

REFERRED TO COMMITTEE ON JUDICIARY, APRIL 9, 1986

---

AN ACT

1 Amending Titles 42 (Judiciary and Judicial Procedure) and 75  
2 (Vehicles) of the Pennsylvania Consolidated Statutes, adding  
3 provisions relating to constables.

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

6 Section 1. The definition of "officer enforcing orders" in  
7 section 102 of Title 42 of the Pennsylvania Consolidated  
8 Statutes is amended and the section is amended by adding a  
9 definition to 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 "Constable." A constable elected or appointed pursuant to  
18 Subchapter C of Chapter 29 (relating to constables) or a deputy

1 constable appointed pursuant to Subchapter C of Chapter 29.

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 constable.

12 \* \* \*

13 Section 2. Title 42 is amended by adding a section to read:

14 § 1904. Constable Administrator of Pennsylvania.

15 The Supreme Court shall appoint and may remove a Constable  
16 Administrator of Pennsylvania within the Administrative Office  
17 of Pennsylvania Courts.

18 Section 3. Chapter 21 of Title 42 is amended by adding a  
19 subchapter to read:

20 CHAPTER 21

21 JUDICIAL BOARDS AND COMMISSIONS

22 \* \* \*

23 SUBCHAPTER G

24 CONSTABLE EDUCATION BOARD

25 Sec.

26 2161. Constable Education Board.

27 2162. Composition of board.

28 2163. Organization.

29 2164. Staff.

30 2165. Powers and duties.

1 § 2161. Constable Education Board.

2 (a) General rule.--The Constable Education Board shall  
3 consist of 15 members selected as provided in this subchapter.

4 (b) Seal.--The Constable Education Board shall have a seal  
5 engraved with its name and such other inscription as may be  
6 specified by general rule. A facsimile or preprinted seal may be  
7 used for all purposes in lieu of the original seal.

8 § 2162. Composition of board.

9 (a) General rule.--The Constable Education Board shall  
10 consist of the following members appointed by the Governor with  
11 the consent of a majority of the members elected to the Senate:

12 (1) Nine persons who shall be constables, three to be  
13 appointed from each of the following three districts:

14 (i) The Eastern District, consisting of the counties  
15 of Berks, Bucks, Chester, Delaware, Lancaster, Lehigh,  
16 Montgomery, Northampton, Philadelphia and Schuylkill.

17 (ii) The Middle District, consisting of the counties  
18 of Adams, Bradford, Cameron, Carbon, Centre, Clinton,  
19 Columbia, Cumberland, Dauphin, Franklin, Fulton,  
20 Huntingdon, Juniata, Lackawanna, Lebanon, Luzerne,  
21 Lycoming, Mifflin, Monroe, Montour, Northumberland,  
22 Perry, Pike, Potter, Snyder, Sullivan, Susquehanna,  
23 Tioga, Union, Wayne, Wyoming and York.

24 (iii) The Western District, consisting of the  
25 counties of Allegheny, Armstrong, Beaver, Bedford, Blair,  
26 Butler, Cambria, Clarion, Clearfield, Crawford, Elk,  
27 Erie, Fayette, Forest, Greene, Indiana, Jefferson,  
28 Lawrence, McKean, Mercer, Somerset, Venango, Warren,  
29 Washington and Westmoreland.

30 (2) Six other persons, two to be appointed from each

1 district.

2 (b) Terms of office.--The members of the board shall serve  
3 for terms of six years and until a successor has been appointed  
4 and qualified. A vacancy on the board shall be filled for the  
5 balance of the term.

6 (c) Compensation.--Members of the board shall be paid \$50  
7 for each day or part thereof upon which the member attends a  
8 board meeting or performs any duty assigned by the chairman.  
9 Members shall be reimbursed for reasonable traveling and other  
10 accountable expenses incurred incident to such attendance and  
11 assigned duty. This expense shall be borne by the Commonwealth  
12 upon presentation of proof of services.

13 § 2163. Organization.

14 Annually the Constable Education Board shall elect a chairman  
15 and other officers of the board, who shall hold office at the  
16 pleasure of the board. The board shall act only with the  
17 concurrence of a majority of its members.

18 § 2164. Staff.

19 The Administrative Office shall serve as the administrative  
20 officer of the board and shall provide such staff assistance as  
21 the Constable Education Board may require.

22 § 2165. Powers and duties.

23 The Constable Education Board shall exercise the powers and  
24 perform the duties vested in and imposed upon the board by  
25 Subchapter C of Chapter 29 (relating to constables) and any  
26 other powers and duties vested in and imposed upon the board by  
27 law.

28 Section 4. Subchapter C of Chapter 29 of Title 42 is  
29 repealed and the chapter is amended by adding a subchapter to  
30 read:

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30

CHAPTER 29

OFFICERS SERVING PROCESS AND ENFORCING ORDERS

\* \* \*

SUBCHAPTER C

CONSTABLES

Sec.

- 2941. Election.
- 2942. Qualifications for office.
- 2943. Vacancies.
- 2944. Compatible and incompatible offices and activities.
- 2945. Education and training.
- 2946. Deputy constables.
- 2947. Bonds.

ADMINISTRATIVE AND FINANCIAL MATTERS

- 2951. Local administrator.
- 2952. Priority of constable business.
- 2953. Records.
- 2954. Registration and identification cards.
- 2955. Uniforms.
- 2956. Compensation and expenses generally.
- 2957. Specific fees.
- 2958. Assessment of fees in certain criminal cases resulting  
in discharge of the defendant.
- 2959. Educational fee assessment.
- 2960. Reimbursement for certain mileage and fees.
- 2961. Distribution of process outside the judicial district.

POWERS AND DUTIES

- 2965. Service of process.
- 2966. Police powers in certain municipalities.
- 2967. Transportation of prisoners and mental patients.

1 2968. Protection of district justice.  
2 2969. Election day powers.  
3 2970. Acceptance of security.  
4 2971. Unlawful acts relative to constables.  
5 2972. Recovery of certain vehicle registration cards and plates  
6 and licenses.  
7 2973. Power to carry and use a firearm.  
8 § 2941. Election.

9 The qualified voters of each ward in cities of the second and  
10 third classes and of each ward of every borough which is divided  
11 into wards shall elect a properly qualified person for constable  
12 in each of the wards to serve for a term of six years. The  
13 qualified voters of every township and of every borough which is  
14 not divided into wards shall elect two properly qualified  
15 persons for constables to serve at large for terms of six years.

16 § 2942. Qualifications for office.

17 (a) General requirements.--Each candidate for the office of  
18 constable shall be at least 18 years of age and shall be a  
19 resident of the ward or township for which he is elected.

20 (b) Physical and mental examination.--Every constable shall  
21 pass a physical and mental examination prior to receiving his  
22 commission. The standards for the examination shall be set by  
23 the Constable Education Board. Constables with six years of  
24 active service as of the effective date of this subchapter shall  
25 be exempt from the provisions of this subsection.

26 § 2943. Vacancies.

27 (a) Disqualification and removal from office.--

28 (1) Any person convicted of a felony or misdemeanor  
29 shall be disqualified from seeking or holding the office of  
30 constable.

1           (2) Any constable convicted of a felony or misdemeanor  
2 while in office shall be suspended from his duties upon  
3 initial conviction. After all appeals are finally exhausted,  
4 the suspension shall result in immediate removal from office  
5 if the conviction stands and the resulting vacancy shall be  
6 filled pursuant to subsection (b). If the constable is  
7 acquitted, the suspension shall be lifted.

8           (3) Any constable may be removed from office by a  
9 Constables' Trial Board upon a finding by the trial board  
10 that the constable was incompetent or negligent in the  
11 performance of his duties. The trial board may be convened by  
12 the president judge of the judicial district containing the  
13 county of residence of the accused constable and shall  
14 consist of three members: the president judge, who shall act  
15 as chairman, and two constables from the county of residence  
16 of the accused constable who are appointed by the president  
17 judge.

18       (b) Filling of vacancies.--If the office of constable  
19 becomes vacant for any reason, the president judge of the  
20 judicial district in which the vacancy exists shall appoint a  
21 qualified person to fill the vacancy giving first consideration  
22 to the deputy constables in the ward or township. The person so  
23 appointed shall hold office until the first Monday in January  
24 after the municipal election occurring more than 60 days after  
25 the vacancy first occurs, at which election an eligible person  
26 shall be elected for the unexpired term.

27 § 2944. Compatible and incompatible offices and activities.

28       (a) Compatible activities.--Nothing in this title or any  
29 other statute shall be construed to prohibit a constable as a  
30 private citizen from engaging in the following activities if he

1 so elects:

2 (1) School security duties.

3 (2) Municipal security duties, including supplementing  
4 local police when needed.

5 (3) Traffic duty at special events.

6 (b) Incompatible offices and activities.--The following  
7 offices and activities are incompatible with the office of  
8 constable:

9 (1) District attorney.

10 (2) Assistant district attorney.

11 (3) County treasurer.

12 (4) Any compensated election officer.

13 (5) Any compensated officer of a political party.

14 (6) Private detective.

15 (7) Police officer except as provided in section 2966  
16 (relating to police powers in certain municipalities).

17 (8) Any other position in the unified judicial system.

18 (9) Private collection agent.

19 (10) Bail bondsman.

20 § 2945. Education and training.

21 (a) Course of instruction.--Constables shall complete a  
22 course of training and instruction in the duties of their office  
23 as prescribed by the Constable Education Board and shall  
24 successfully pass an examination prior to assuming the duties of  
25 office if elected or within six months after being elected or  
26 upon taking office pursuant to an appointment to fill a vacancy;  
27 however, constables with six years of active service as of the  
28 effective date of this subchapter shall be exempt from this  
29 requirement. The education board shall make the course of  
30 instruction available at times determined by it, so as to insure

1 that any constable to be elected or appointed may qualify to  
2 assume office as soon as possible. The board shall conduct the  
3 course at such times, at such places and in such manner as it  
4 shall prescribe. In addition to those required by this section  
5 to complete the course of training and instruction and  
6 successfully pass an examination, any interested person may  
7 apply to the education board to be enrolled in the course of  
8 instruction and take the examination, subject to rules and  
9 regulations as the Administrative Office with the approval of  
10 the board may determine which shall include, but not be limited  
11 to, a reasonable fee for the instruction or examination which  
12 shall be reimbursed by the board if the person is elected or  
13 appointed to the office of constable within a year of successful  
14 completion of the course.

15 (b) Rules and regulations.--The Administrative Office shall,  
16 with the approval of the board and with the advice of the  
17 several local constables' associations, have the power to  
18 promulgate rules and regulations necessary to carry out its  
19 duties under this title.

20 (c) Completion of course.--Upon the successful completion of  
21 the course of training and instruction and examination, the  
22 Administrative Office shall issue a certificate in the form  
23 prescribed by the board, certifying that the person is qualified  
24 to perform his duties as required by this title. The certificate  
25 shall be filed in the office of the prothonotary of the county  
26 in which the constable resides. In the event that an elected or  
27 appointed constable fails to obtain and file the certificate in  
28 the proper prothonotary's office within six months after his  
29 election or appointment, the office of constable shall be  
30 vacant, and the vacancy shall be filled as provided in section

1 2943 (relating to vacancies).

2 (d) Firearms training.--

3 (1) Constables shall complete a course of training and  
4 instruction in the use of firearms as prescribed by the board  
5 and shall successfully pass an examination within one year  
6 after the election or appointment in order to carry or use a  
7 firearm in the performance of their duties. The constable may  
8 carry and use a firearm during the one-year period while  
9 involved in the course of instruction upon receipt of written  
10 approval of the president judge of his or her judicial  
11 district.

12 (2) The education board may waive these requirements or  
13 any portion thereof upon the demonstration by the constable  
14 that he has taken and successfully completed a comparable  
15 training program.

16 (3) The education board may, by regulation, require  
17 periodic retraining in the use of firearms.

18 (e) Cost.--The cost of training and instruction and all  
19 other education programs and examinations required by this  
20 section shall be paid by the Commonwealth.

21 § 2946. Deputy constables.

22 (a) Appointment.--The constable may request, upon a  
23 demonstration of need, authorization from the president judge to  
24 appoint up to four deputies with proof of need. The constable  
25 may appoint the deputies with the approval of the president  
26 judge.

27 (b) Qualifications.--A deputy constable shall be subject to  
28 the same standards required of an elected constable and shall  
29 present evidence of having met those requirements prior to  
30 receiving his commission. A deputy so appointed shall be the

1 agent of the constable and shall be regulated and supervised by  
2 the constable and removed by him for just cause.

3 (c) Powers and duties.--A deputy constable shall have the  
4 same powers and duties as a constable except that the deputy may  
5 not appoint another deputy. He may exercise the powers  
6 authorized in section 2966 (relating to police powers in certain  
7 municipalities).

8 (d) Special deputy constables for election.--Notwithstanding  
9 the limitations imposed by this section on the appointment of  
10 deputies, an elected constable may appoint without court  
11 approval one special deputy constable per precinct to perform  
12 appropriate duties at the polls on election day. Such special  
13 deputies powers shall only extend to those powers granted  
14 constables generally regarding elections and their appointment  
15 shall expire at the completion of the counting of the votes.  
16 Special deputy constables for election day duty shall not be  
17 subject to the training requirements provided for in section  
18 2945 (relating to education and training).

19 § 2947. Bonds.

20 Each constable shall give bond to the Commonwealth with a  
21 surety approved by the education board in an amount as is in  
22 effect locally on the effective date of this subchapter. The  
23 bond shall be filed with the local clerk of court and shall be  
24 conditioned on the just and faithful discharge by the constable  
25 or the deputies of their office. The bond shall be held in trust  
26 for the use and benefit of all persons who may sustain injury  
27 from the constable or deputies in their official capacity by  
28 reason of neglect of duty. The cost of the bond shall be paid by  
29 the county of residence of the constable.

30 ADMINISTRATIVE AND FINANCIAL MATTERS

1 § 2951. Local administrator.

2 The president judge of each judicial district may appoint or  
3 direct a suitable person, who must be a constable or deputy  
4 constable, to serve as local administrator of the constable  
5 system within the judicial district.

6 § 2952. Priority of constable business.

7 A constable shall devote the time necessary for prompt and  
8 proper disposition of the business of his office, which should  
9 be given priority over any other occupation, business,  
10 profession, pursuit or activity.

11 § 2953. Records.

12 Each constable shall maintain accurate records regarding all  
13 the functions performed by him. The records shall be open for  
14 inspection by the Constable Administrator and the president  
15 judge and the local administrator of the judicial district and  
16 as otherwise provided by law. The Constable Education Board  
17 shall issue rules prescribing the type and manner of records to  
18 be kept.

19 § 2954. Registration and identification cards.

20 Each constable and deputy constable shall be registered and  
21 issued an identification card by the Constable Administrator.

22 § 2955. Uniforms.

23 A constable may wear a uniform when engaged in the duties of  
24 his office. The Constable Education Board shall prescribe the  
25 specifications for the standardized constable uniform.

26 § 2956. Compensation and expenses generally.

27 (a) Compensation of constables.--Constables shall be  
28 compensated for their services and expenses by the payment of  
29 fees authorized pursuant to this section and section 2957  
30 (relating to specific fees).

1 (b) Compensation of deputy constables.--Deputy constables  
2 shall be compensated for their services in the same amount as  
3 elected constables.

4 (c) Form of payment.--Constables are authorized to accept  
5 cash, check or money order in payment for their services on not  
6 less than a semimonthly basis. A receipt shall be provided for  
7 any payment received.

8 (d) Additional hourly compensation.--In addition to the fees  
9 authorized by section 2957 for specific services, the Constable  
10 Administrator may promulgate rules authorizing payment to  
11 constables at an hourly rate for designated services and  
12 functions not otherwise covered but otherwise provided for in  
13 this title.

14 (e) Payment for travel.--

15 (1) Constables shall be reimbursed a minimum of \$3 for  
16 mileage or for actual mileage traveled at the rate of 30¢ per  
17 mile, whichever is greater. Actual mileage traveled shall be  
18 computed using the issuing authority's office as the starting  
19 point and computing the distance from that office to the  
20 first stop made by the constable and by adding the distance  
21 from the first stop to the second stop and so forth to all  
22 subsequent stops. The ending point shall be the issuing  
23 authority's office.

24 (2) Constables shall be compensated for other travel  
25 expenses not to exceed accountable expenses if travel is by  
26 other than motor vehicle.

27 (f) Multiple service of process.--In criminal and civil  
28 cases when multiple processes are served, a constable shall be  
29 paid for each process served even though service may be  
30 performed at one time. The constable shall be paid only one

1 mileage or expense fee, except in those instances when multiple  
2 trips are required and approved.

3 (g) Services performed by more than one constable.--When a  
4 service is performed by more than one constable or deputy  
5 constable under authorization of the president judge or the  
6 local administrator, compensation shall be payable as provided  
7 in section 2957.

8 (h) Service of process by mail.--No process shall be served  
9 by mail except for summary offenses committed under Title 75  
10 (relating to vehicles) in which cases the costs of postage shall  
11 be imposed upon the party instituting the proceedings.

12 (i) Payment for services performed.--A constable shall be  
13 compensated according to the fees provided in this subchapter by  
14 the court within 30 days from the time the court has received  
15 payment for the services performed. If the court suspends the  
16 fee for the service performed by the constable, and in cases  
17 where the fee is not collected within 90 days of the service,  
18 the fee shall be paid by the county. In cases where moneys  
19 received by the court or the clerk of court are fines  
20 attributable to restitution and costs pursuant to a periodic  
21 payment plan, the costs for services performed by the constable  
22 shall be accounted for before other costs, fines or restitution.  
23 § 2957. Specific fees.

24 The fees to be charged and received by constables shall be as  
25 follows:

26 (1) For executing warrant or writ on behalf of the  
27 Commonwealth or political subdivision thereof:

28 (i) Summary offense, \$10 plus 30¢ per mile.

29 (ii) Misdemeanor, \$15, plus 30¢ per mile.

30 (iii) Felony, \$25 plus 30¢ per mile.

1           (2) For serving subpoenas to appear in trial or hearing  
2 proceedings:

3           (i) First witness, \$10 plus 30¢ per mile.

4           (ii) Each additional witness, \$5 plus 30¢ per mile.

5           (3) For conveying defendants to district magistrate for  
6 purpose of bail or hearing:

7           (i) Summary offense, \$10 plus 30¢ per mile.

8           (ii) Misdemeanor, \$15 plus 30¢ per mile.

9           (iii) Felony, \$25 plus 30¢ per mile.

10          (4) For conveying defendants to jail on commitment by  
11 district magistrate:

12          (i) Summary offense, \$10 plus 30¢ per mile.

13          (ii) Misdemeanor, \$15 plus 30¢ per mile.

14          (iii) Felony, \$25 plus 30¢ per mile.

15          (5) For conveying defendant to any jail or to lock-up  
16 for holding purposes upon the availability of issuing  
17 authority, the sum of \$10, plus 30¢ per mile.

18          (6) For conveying defendant to jail on bench warrant or  
19 probation commitment issued by clerk of courts or probation  
20 officer, the sum of \$25, plus 30¢ per mile.

21          (7) For conveying defendant from another county to  
22 issuing authority for purpose of hearing, arraignment or  
23 bail, the sum of \$60, plus 30¢ per mile.

24          (8) For executing release of defendant after  
25 arrest/arraignment either by bail or other release:

26          (i) Summary offense, \$10 plus 30¢ per mile.

27          (ii) Misdemeanor, \$15 plus 30¢ per mile.

28          (iii) Felony, \$25 plus 30¢ per mile.

29          (9) Where defendant having been arrested on summary  
30 warrant deposits with constable the sum of fine and costs or

1 the amount of bail requested for hearing, the sum of \$5 plus  
2 warrant costs and 30¢ per mile.

3 (10) For appearance at hearing on all cases and for any  
4 other waiting time, the sum of \$7.50 per hour, or fraction  
5 thereof: minimum of one hour.

6 (11) For executing search warrant and return, the sum of  
7 \$10.

8 (12) For appearance in court when subpoenaed, the sum of  
9 \$60 per day.

10 (13) For services of deputy or assisting officer, that  
11 is, two constables when necessary for arrest or transport  
12 services of defendant of opposite sex, or misdemeanor or  
13 felony charge, each constable shall be paid the fee permitted  
14 under this subchapter. One mileage fee only may be charged.

15 (14) For executing release from jail for hearing  
16 purpose:

17 (i) Summary offense, \$10 plus 30¢ per mile.

18 (ii) Misdemeanor, \$15 plus 30¢ per mile.

19 (iii) Felony, \$25 plus 30¢ per mile.

20 (15) For miscellaneous costs in criminal cases:

21 (i) For recovery or seizure of suspended  
22 registration plate or plates and registration card or  
23 cards, the sum of \$10, plus 30¢ per mile.

24 (ii) For conveying defendant from one magisterial  
25 district to an issuing authority in another district for  
26 purpose of hearing or bail within the same county, the  
27 sum of \$20, plus 30¢ per mile.

28 (iii) For arrests made on view, of persons guilty of  
29 breach of peace, riotous or misconduct, public  
30 drunkenness or any unlawful act tending to imperil the

1 personal security or endanger the property of others or  
2 violating any ordinance of any borough or township or  
3 political subdivision, for offenses against the laws of  
4 this Commonwealth and bring such offender before an  
5 issuing authority within the same district.

6 (A) Summary offense, \$10 plus 30¢ per mile.

7 (B) Misdemeanor, \$15 plus 30¢ per mile.

8 (C) Felony, \$25 plus 30¢ per mile.

9 (iv) For making return of no service or not found on  
10 any process received, the sum of \$5 plus 30¢ per mile,  
11 after verification of sworn statement by constable.

12 (16) For miscellaneous costs in civil cases:

13 (i) For serving process on trespass and assumpsit  
14 suit:

15 (A) First defendant, \$10.

16 (B) Second defendant and each thereafter, at the  
17 same address, \$5 plus 30¢ per mile.

18 (ii) For any return of service not found in civil  
19 suits, due to incorrect address, defendant moving or any  
20 cause, constable shall be paid original advanced costs  
21 charged.

22 (iii) For service or subpoenas in civil cases either  
23 defendant or prosecution:

24 (A) First subpoena, \$10 plus 30¢ per mile.

25 (B) Each thereafter, \$5 plus 30¢ per mile.

26 (iv) For service of landlord and tenant proceedings:

27 (A) First defendant, \$10 plus 30¢ per mile.

28 (B) Each thereafter, \$5 plus 30¢ per mile.

29 (v) For service of order of execution, the sum of  
30 \$10 plus 30¢ per mile for each address.

1 (vi) For levying on goods, including schedule at  
2 property levied and set aside, each address, the sum of  
3 \$25.

4 (vii) For posting notice of levy and sale, the sum  
5 of \$5 per notice, limit three per address.

6 (viii) For advertising sale of personal property of  
7 defendant in any news media, the sum of \$5 plus  
8 advertising costs.

9 (ix) For clerk at time of sale, the sum of \$15.

10 (x) For holding sale, the sum of \$30 or 3% whichever  
11 is greater, plus 30¢ per mile.

12 (xi) For receiving and paying over moneys on  
13 execution, \$50, including bill of sale.

14 (xii) For receiving moneys from defendant in lieu of  
15 sale, the sum of \$10 plus amount at judgment and original  
16 costs pertaining to sale.

17 (xiii) For service on order of possession, the sum  
18 of \$15 plus 30¢ per mile.

19 (xiv) For turning over property to landlord without  
20 forcible ejectment, the sum of \$10 plus 30¢ per mile.

21 (xv) For forcible ejectment on order of possession,  
22 the sum of \$50 plus 30¢ per mile.

23 (xvi) For removing all personal property on order of  
24 possession, the sum of \$30 per room, and the sum of \$90  
25 minimum if the manpower is supplied by evicting officer.

26 (xvii) For appraising property where exemption is  
27 claimed by defendant, the sum of \$10 for traveling  
28 expense in the service of any process or duty performed  
29 by constable, he shall be compensated at the rate of 30¢  
30 per mile computed by the route most frequently traveled

1 in going from point and places where constable may reside  
2 or where he or she receives any paper or process to be  
3 executed to the points and places required to be  
4 traveled. A minimum fee of \$3 may be charged and allowed  
5 for mileage except in first class cities.

6 (xviii) For services not provided for in this  
7 section, the same fee may be charged for similar  
8 services.

9 § 2958. Assessment of fees in certain criminal cases resulting  
10 in discharge of the defendant.

11 In all criminal cases where the defendant is discharged upon  
12 dismissal of criminal complaint, information or indictment for  
13 lack of prosecution, or for the failure by the Commonwealth to  
14 make out a prima facie case, or where the criminal complaint,  
15 information or indictment is dismissed upon motion by the  
16 Commonwealth for a nolle prosequi, the court shall assess the  
17 costs of the constable's fees to the governmental unit which  
18 employs the affiant in the case of a police initiated  
19 prosecution, or upon the affiant in the case of a private  
20 prosecution, if the defendant is discharged prior to the filing  
21 of an information or indictment. In cases where the defendant is  
22 discharged for any of the stated reasons after the filing of an  
23 information or indictment, the court shall assess the costs to  
24 the county.

25 § 2959. Educational fee assessment.

26 An additional \$1 fee shall be charged to all persons on whom  
27 a process is successfully served, unless acquitted, which fee  
28 shall be transmitted to the Constable Education Board. This fee  
29 shall not be suspended.

30 § 2960. Reimbursement for certain mileage and fees.

1 Notwithstanding any provision of this title or any other law  
2 to the contrary, a constable may be reimbursed for mileage and  
3 fees at the rates provided in this subchapter upon a showing  
4 that the constable traveled to the residence or place of  
5 business of the person who is the object of the warrant or  
6 process and found that he was not present. Satisfactory evidence  
7 of the attempted service shall consist of a statement signed by  
8 another person, or an affidavit executed by the constable, that  
9 the constable in fact attempted to serve the process but that  
10 the person who was to be served was not there.

11 § 2961. Distribution of process outside the judicial district.

12 A district judge may transfer the service of process for  
13 persons or entities residing in another judicial district to the  
14 appropriate local district justice in that judicial district, or  
15 in the absence of local district justice, to the judicial  
16 district for service. In the case of process transferred for  
17 service in the first judicial district, the district justice  
18 would transfer the process to the president judge of the traffic  
19 court for distribution for service.

20 POWERS AND DUTIES

21 § 2965. Service of process.

22 (a) General power.--A constable is authorized to serve and  
23 execute any lawful process issued by a district justice or any  
24 other lawful, civil, criminal or administrative process.

25 (b) Supreme Court to prescribe rules.--The Supreme Court  
26 shall prescribe general rules relating to the service of process  
27 issued by the courts of common pleas and district justices.

28 (c) Civil and administrative process.--A constable is  
29 authorized to serve civil and administrative process anywhere in  
30 this Commonwealth whether or not the process emanates from his

1 own judicial district.

2 (d) Criminal process.--A constable is authorized to serve  
3 criminal process anywhere in this Commonwealth when the process  
4 is issued from his judicial district. A constable is authorized  
5 to serve any criminal process within his judicial district no  
6 matter where the process was originally issued.

7 § 2966. Police powers in certain municipalities.

8 (a) General rule.--Any municipality that has no organized  
9 municipal police force may formally appoint as a police officer  
10 the appropriate constable or constables as otherwise provided by  
11 law. When a constable is acting pursuant to this appointment, he  
12 shall have all the powers and be subject to the same restraints  
13 as a policeman would have in the municipality if it had an  
14 organized police force. All constables may sign criminal  
15 complaints on behalf of police officers on information received.

16 (b) Certification required.--No constable shall perform  
17 police duties pursuant to this section unless the constable has  
18 been certified by the education board pursuant to Subchapter G  
19 of Chapter 21 (relating to Constable Education Board).

20 § 2967. Transportation of prisoners and mental patients.

21 Constables shall have the authority when directed by a  
22 district justice or a court to transport prisoners and mental  
23 patients. Any constable directed to transport prisoners or  
24 mental patients shall be authorized to secure the assistance of  
25 another constable to aid him. Constables rendering the  
26 assistance shall be paid at a rate equal to the constable to  
27 whom the assistance is rendered.

28 § 2968. Protection of district justice.

29 The elected constable for the municipality, or subdivision  
30 thereof, in which a district justice sits shall provide personal

1 protection to the district justice while the district justice is  
2 performing his duties. The constable shall be compensated at the  
3 rate specified for waiting time under this subchapter. This fee  
4 shall be paid by the county in which the district justice sits.

5 § 2969. Election day powers.

6 A constable shall have the duty, obligation and authority to  
7 be present at the polling place in each election district of the  
8 borough, township or ward at each primary and election during  
9 the continuance thereof, and while the votes are being counted,  
10 for the purpose of preserving the peace, and shall serve at all  
11 elections for which services the constable shall receive the  
12 same compensation payable to inspectors and clerks as provided  
13 for by the act of June 3, 1937 (P.L.1333, No.320), known as the  
14 Pennsylvania Election Code, which shall be paid by the county.  
15 No constable, whether in uniform or in citizens clothes, shall  
16 be within 100 feet of the polling place during the conduct of  
17 any primary or election, unless in the exercise of his privilege  
18 of voting, for the purpose of serving warrants or unless called  
19 upon to preserve the peace. In no event may any constable  
20 unlawfully use or practice any intimidation, threats, force or  
21 violence nor in any manner, unduly influence any elector or  
22 prevent him from voting or restrain his freedom of choice nor  
23 may any constable electioneer or directly or indirectly attempt  
24 to influence the election or electors while on duty at the  
25 election polls.

26 § 2970. Acceptance of security.

27 A constable is authorized to accept security for a  
28 defendant's appearance before a district judge in summary cases.

29 § 2971. Unlawful acts relative to constables.

30 A person commits a misdemeanor of the third degree and shall

1 be subject to arrest on view by a constable or other authorized  
2 peace officer if he:

3 (1) Knowingly, willfully and forcibly obstructs, resists  
4 or opposes any constable:

5 (i) in serving or attempting to serve or execute any  
6 legal process or order; or

7 (ii) in making a lawful arrest with or without a  
8 warrant.

9 (2) Assaults any constable:

10 (i) while serving or executing any legal process or  
11 order; or

12 (ii) because of having served or executed any legal  
13 process or order.

14 (3) Rescues another in legal custody.

15 § 2972. Recovery of certain vehicle registration cards and  
16 plates and licenses.

17 A constable shall have the power and duty to recover expired,  
18 suspended or revoked vehicle registrations cards and plates and  
19 licenses for the Department of Transportation. The department  
20 shall notify in writing the appropriate district constable to  
21 recover all suspended or revoked vehicle registration cards and  
22 plates and licenses. This fee shall be paid by the department.

23 § 2973. Power to carry and use a firearm.

24 A constable shall have the power to carry and use a firearm  
25 in the performance of his duties upon the successful completion  
26 of the training requirements as set forth in this subchapter or  
27 upon being exempted from the training requirements as authorized  
28 by this subchapter.

29 Section 5. The definition of "emergency vehicle" in section  
30 102 of Title 75, amended July 11, 1985 (P.L.204, No.52), is

1 amended to read:

2 § 102. Definitions.

3 Subject to additional definitions contained in subsequent  
4 provisions of this title which are applicable to specific  
5 provisions of this title, the following words and phrases when  
6 used in this title shall have, unless the context clearly  
7 indicates otherwise, the meanings given to them in this section:

8 \* \* \*

9 "Emergency vehicle." A fire department vehicle, police  
10 vehicle, ambulance, blood-delivery vehicle, armed forces  
11 emergency vehicle, one vehicle operated by a coroner or chief  
12 county medical examiner and one vehicle operated by a chief  
13 deputy coroner or deputy chief county medical examiner used for  
14 answering emergency calls, one private vehicle of a fire or  
15 police chief or assistant chief or, when a fire company has  
16 three or more fire vehicles, a second assistant chief, or fire  
17 police captain and fire police lieutenant or ambulance corps  
18 commander or assistant commander or of a river rescue commander  
19 or assistant commander or emergency management coordinator or  
20 fire marshal used for answering emergency calls, a constable's  
21 vehicle used in the performance of law enforcement duties or  
22 other vehicle designated by the State Police under section 6106  
23 (relating to designation of emergency vehicles by Pennsylvania  
24 State Police).

25 \* \* \*

26 Section 6. The following acts or parts of acts are repealed:

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

30 Sections XII and XIX of the act of March 20, 1810 (P.L.208,

1 Ch.132), entitled "An Act to amend and consolidate with its  
2 Supplements, the Act entitled 'An Act for the recovery of debts  
3 and demands, not exceeding one hundred dollars, before a Justice  
4 of the Peace, and for the election of Constables, and for other  
5 purposes.'"

6 Act of January 21, 1814 (P.L.28, Ch.9), entitled "An Act  
7 allowing compensation to constables for attending the several  
8 courts within this commonwealth."

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

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

16 Section 19 of the act of April 22, 1850 (P.L.549, No.342),  
17 entitled "A supplement to an act, entitled 'An Act to prevent  
18 waste in certain cases within this commonwealth,' passed the  
19 twenty-ninth day of March, one thousand eight hundred and  
20 twenty-two: to land and building associations; giving the court  
21 of Susquehanna county jurisdiction in a certain case; relative  
22 to the service of process in certain cases; to party walls in  
23 West Philadelphia; to the proof of a certain will; to the sale  
24 and purchase of certain burial grounds in Philadelphia; to the  
25 laying of gas pipes in the district of Moyamensing; to the  
26 release of certain sureties in Erie county; to the State Lunatic  
27 hospital; relative to the service of process against sheriffs;  
28 to the rights of married women; to ground rents; and relating to  
29 foreign insurance companies."

30 Act of February 14, 1889 (P.L.6, No.5), entitled "An act to

1 authorize the election of constables for three years."

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

5 Act of June 26, 1895 (P.L.375, No.266), entitled "An act to  
6 amend an act, entitled 'An act to authorize the election of  
7 constables for three years,' approved the fourteenth day of  
8 February, Anno Domini one thousand eight hundred and eighty-  
9 nine, by providing for the election of a high constable in each  
10 of the boroughs of this Commonwealth for three years, and by  
11 correcting the ambiguity as to the beginning of the terms of  
12 office under said act."

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

16 Act of May 2, 1901 (P.L.131, No.98), entitled "An act to fix,  
17 regulate and establish the fees to be charged and received by  
18 constables in this Commonwealth for executing an order of relief  
19 of a pauper."

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

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

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

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

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

4 Act of May 31, 1919 (P.L.357, No.171), entitled "An act  
5 relating to the duties of constables in certain counties;  
6 prohibiting them from making returns to the court of quarter  
7 sessions in certain cases; authorizing the court to direct  
8 investigations and reports by constables, and fixing their  
9 compensation in such cases."

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

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

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

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

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