

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1593 Session of
1987

INTRODUCED BY B. SMITH, PETRONE, MOEHLMANN, PISTELLA, HAYES,
RYBAK, McCLATCHY, CARN, NOYE, SIRIANNI, MRKONIC, BOOK,
ARGALL, NAHILL, SCHEETZ, YANDRISEVITS, BELFANTI, LaGROTTA,
FARGO, TIGUE, ANGSTADT, J. L. WRIGHT, HASAY, GRUPPO, CESSAR,
MORRIS, VROON, BOYES, JACKSON, CARLSON, PETRARCA, G. SNYDER,
SEMMELE, HAGARTY, MELIO, BIRMELEIN, DISTLER, MAIALE, BROUJOS,
McHALE, WILSON, BARLEY, STABACK, FISCHER, MOWERY, ROBBINS,
SAURMAN, BALDWIN, TRELLO, RAYMOND, McVERRY, COY, PICCOLA,
HERSHEY, CHADWICK, FARMER, KOSINSKI, HALUSKA, LASHINGER,
WOZNIAK, DORR, GODSHALL, FOX, LANGTRY, MAYERNIK,
D. W. SNYDER, CLYMER, KASUNIC, HERMAN, ITKIN, HECKLER,
E. Z. TAYLOR, BATTISTO, GEIST, MICHLOVIC, DeLUCA, JOHNSON,
FLICK, FOSTER, LINTON, BELARDI, OLASZ, HAYDEN, CIMINI,
BORTNER, TELEK, BLACK, SCHULER, BURD, SEVENTY, MILLER,
BOWSER, COWELL, MANMILLER AND BLAUM, JUNE 22, 1987

SENATOR GREENLEAF, JUDICIARY, IN SENATE, AS AMENDED,
NOVEMBER 22, 1988

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, ADDING PROVISIONS <—
3 RELATING TO CONSTABLES; PROVIDING FOR A CONTINUING
4 APPROPRIATION; further providing for juvenile appearances
5 before district justices; FURTHER PROVIDING FOR AUTOMATIC <—
6 RETIREMENT OF JUDGES AND DISTRICT JUSTICES; FURTHER PROVIDING
7 FOR DEPOSITS INTO THE JUDICIAL COMPUTER SYSTEM AUGMENTATION
8 ACCOUNT; PROVIDING FOR THE ADMISSIBILITY OF CERTAIN OUT-OF-
9 COURT STATEMENTS; FURTHER PROVIDING FOR LAW ENFORCEMENT
10 RECORDS; AND MAKING REFUNDS.

11 The General Assembly of the Commonwealth of Pennsylvania
12 hereby enacts as follows:

13 SECTION 1. THE DEFINITION OF "OFFICER ENFORCING ORDERS" IN <—
14 SECTION 102 OF TITLE 42 OF THE PENNSYLVANIA CONSOLIDATED

1 STATUTES IS 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 "OFFICER ENFORCING ORDERS." INCLUDES:

10 (1) A RECORDER OF DEEDS WHEN THE ORDER AFFECTS THE
11 OWNERSHIP OF AN INTEREST IN PROPERTY DESCRIBED OR DESCRIBABLE
12 BY A DOCUMENT WHICH HAS BEEN OR MAY BE FILED OR RECORDED IN
13 HIS OFFICE, OR WHICH RELATES TO THE INDEXING OF DOCUMENTS
14 FILED OR RECORDED IN HIS OFFICE.

15 (2) A REGISTER OF WILLS.

16 (3) A SHERIFF.

17 (4) A CONSTABLE OR DEPUTY CONSTABLE WHILE ACTUALLY
18 ENGAGED IN THE PERFORMANCE OF JUDICIAL DUTIES AS DEFINED IN
19 SECTION 2941 (RELATING TO DEFINITIONS).

20 Section ~~±~~ 2. Title 42 ~~of the Pennsylvania Consolidated~~

<—

21 ~~Statutes~~ is amended by adding a section to read:

22 § 1522. Notice of summary cases involving juveniles.

23 (a) General rule.--Whenever an individual who is under 18
24 years of age and is not emancipated is charged with a summary
25 offense for which jurisdiction is vested in a district justice
26 under section 1515 (relating to jurisdiction and venue), the
27 district justice shall mail a copy of the citation, OR OTHER
28 APPROPRIATE WRITTEN NOTIFICATION, to the parents or legal
29 guardians of the individual at the time of the filing of the
30 citation if the parents or legal guardians have not been

<—

1 previously notified by the police. Where the individual is not
2 residing with a parent or legal guardian, the copy of the
3 citation, OR OTHER APPROPRIATE WRITTEN NOTIFICATION, shall be <—
4 sent to the person with whom the individual resides if a
5 verifiable address is available. In such cases a district
6 justice shall not accept a plea or schedule a hearing before 72
7 hours has lapsed from the time of the mailing of the notice as
8 required under this section. Failure to provide notice under
9 this section shall not constitute grounds for dismissal of the
10 summary offense.

11 (b) Vehicle offenses.--Nothing in this section shall apply
12 to violations of Title 75 (relating to vehicles), except for 75
13 Pa.C.S. § 1543 (relating to driving while operating privilege is
14 suspended or revoked).

15 (c) Identification of juveniles.--Pennsylvania State Police
16 and local police shall assist district justices in complying
17 with the requirements of this section by indicating, through
18 conspicuous notation on citations, that the offense was
19 committed by a juvenile.

20 ~~Section 2. This act shall take effect in 60 days.~~ <—

21 SECTION 3. SECTIONS 2131 AND 2132 OF TITLE 42 ARE AMENDED TO <—
22 READ:

23 § 2131. MINOR JUDICIARY EDUCATION BOARD.

24 (A) GENERAL RULE.--THE MINOR JUDICIARY EDUCATION BOARD SHALL
25 CONSIST OF [SEVEN] NINE MEMBERS SELECTED AS PROVIDED IN THIS
26 SUBCHAPTER.

27 (B) SEAL.--THE MINOR JUDICIARY EDUCATION BOARD SHALL HAVE A
28 SEAL ENGRAVED WITH ITS NAME AND SUCH OTHER INSCRIPTION AS MAY BE
29 SPECIFIED BY GENERAL RULE. A FACSIMILE OR PREPRINTED SEAL MAY BE
30 USED FOR ALL PURPOSES IN LIEU OF THE ORIGINAL SEAL.

1 § 2132. COMPOSITION OF BOARD.

2 (A) GENERAL RULE.--THE MINOR JUDICIARY EDUCATION BOARD SHALL
3 CONSIST OF THE FOLLOWING APPOINTED BY THE GOVERNOR [WITH THE
4 CONSENT OF A MAJORITY OF THE MEMBERS ELECTED TO THE SENATE]:

5 (1) THREE PERSONS WHO SHALL BE JUDGES OF THE PITTSBURGH
6 MAGISTRATES COURT OR THE TRAFFIC COURT OF PHILADELPHIA OR
7 DISTRICT JUSTICES.

8 (2) THREE MEMBERS OF THE BAR OF THIS COMMONWEALTH.

9 (3) ONE LAY ELECTOR.

10 (4) TWO CONSTABLES WHO ARE CERTIFIED PURSUANT TO SECTION
11 2943 (RELATING TO CERTIFICATION) AND WHO SHALL BE RESIDENTS
12 OF DIFFERENT COUNTIES.

13 (B) TERMS OF OFFICE.--THE MEMBERS OF THE BOARD SHALL SERVE
14 FOR TERMS OF FIVE YEARS AND UNTIL A SUCCESSOR HAS BEEN APPOINTED
15 AND QUALIFIED. A VACANCY ON THE BOARD SHALL BE FILLED FOR THE
16 BALANCE OF THE TERM.

17 (C) COMPENSATION.--MEMBERS OF THE BOARD SHALL RECEIVE SUCH
18 FEES OR SALARY AS SHALL BE FIXED BY THE GOVERNING AUTHORITY IN
19 THE MANNER PROVIDED BY SECTION 503(B) (RELATING TO PROCEDURES).

20 SECTION 4. SUBCHAPTER C OF CHAPTER 29 OF TITLE 42 IS AMENDED
21 TO READ:

22 CHAPTER 29
23 OFFICERS SERVING PROCESS AND
24 ENFORCING ORDERS

25 * * *

26 SUBCHAPTER C
27 CONSTABLES
28 [(RESERVED)]

29 SEC.

30 2941. DEFINITIONS.

1 2942. POWERS AND DUTIES.

2 2943. CERTIFICATION.

3 2944. BASIC EDUCATION.

4 2945. CONTINUING EDUCATION.

5 2946. FIREARMS.

6 2947. FEES.

7 2948. DISCIPLINE.

8 § 2941. DEFINITIONS.

9 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS SUBCHAPTER
10 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
11 CONTEXT CLEARLY INDICATES OTHERWISE:

12 "BOARD." THE MINOR JUDICIARY EDUCATION BOARD ESTABLISHED
13 PURSUANT TO SUBCHAPTER D OF CHAPTER 21 (RELATING TO MINOR
14 JUDICIARY EDUCATION BOARD).

15 "CLERK." THE CLERK OF THE COURTS, OR OTHER PERSON HOLDING A
16 SIMILAR OFFICE IN COUNTIES THAT DO NOT HAVE A CLERK OF COURTS,
17 OF COMMON PLEAS OF THE JUDICIAL DISTRICT IN WHICH THE CONSTABLE
18 OR DEPUTY CONSTABLE WAS ELECTED OR APPOINTED.

19 "CONSTABLE." ANY PERSON HOLDING THE ELECTIVE OFFICE OF
20 CONSTABLE, WHETHER BY ELECTION OR BY APPOINTMENT TO FILL A
21 VACANCY IN SUCH ELECTIVE OFFICE.

22 "DEPUTY CONSTABLE." ANY PERSON HOLDING THE OFFICE OF DEPUTY
23 CONSTABLE AS A RESULT OF APPOINTMENT BY A CONSTABLE AS PROVIDED
24 BY LAW.

25 "JUDICIAL DUTIES." SERVICE, EXECUTION AND RETURN OF COURT-
26 AUTHORIZED PROCESS; LEVY OF ATTACHMENT, LEVY OR EXECUTION;
27 PRESALE AND POSTSALE CONTROL OF PROPERTY; SALES AND CONVEYANCES;
28 COLLECTION, CUSTODY AND DISPOSITION OF MONEY; CUSTODY AND
29 CONTROL OF RESPONDENTS, DEFENDANTS AND CONVICTS; COURT-ORDERED
30 SECURITY; AND PRESERVATION OF OFFICIAL EXHIBITS AND PAPERS.

1 "PROGRAM." THE CONSTABLES' EDUCATION AND TRAINING PROGRAM
2 ESTABLISHED PURSUANT TO SECTION 2943 (RELATING TO
3 CERTIFICATION).

4 § 2942. POWERS AND DUTIES.

5 (A) CERTIFICATION REQUIRED.--NO CONSTABLE OR DEPUTY
6 CONSTABLE SHALL PERFORM ANY JUDICIAL DUTIES, NOR RECEIVE ANY
7 COMPENSATION THEREFOR, UNLESS HE IS CERTIFIED PURSUANT TO
8 SECTION 2943 (RELATING TO CERTIFICATION).

9 (B) SUPERVISION.--CONSTABLES AND DEPUTY CONSTABLES MAY
10 PERFORM JUDICIAL DUTIES IF THEY ARE CERTIFIED PURSUANT TO
11 SECTION 2943 AND, WHILE DOING SO, SHALL BE SUBJECT TO THE
12 SUPERVISION OF THE PRESIDENT JUDGE OF THE JUDICIAL DISTRICT IN
13 WHICH THEY WERE ELECTED OR APPOINTED. THE PRESIDENT JUDGE MAY
14 APPOINT A DEPUTY COURT ADMINISTRATOR FOR THE PURPOSE OF
15 ASSISTING HIM IN ADMINISTERING THE CONSTABLE SYSTEM IN THE
16 JUDICIAL DISTRICT.

17 (C) ARREST POWERS.--A CONSTABLE OR DEPUTY CONSTABLE WHO IS
18 CERTIFIED PURSUANT TO SECTION 2943 TO PERFORM JUDICIAL DUTIES
19 SHALL HAVE THE POWER OF ARREST WITHOUT A WARRANT WITH RESPECT TO
20 ANY PERSON HE OBSERVES COMMITTING ANY CRIME UNDER 18 PA.C.S. CH.
21 25 (RELATING TO CRIMINAL HOMICIDE), 27 (RELATING TO ASSAULT) OR
22 51 (RELATING TO OBSTRUCTING GOVERNMENTAL OPERATIONS) WHICH
23 INTERFERES WITH OR OBSTRUCTS HIM IN THE PERFORMANCE OF HIS
24 JUDICIAL DUTIES.

25 (D) NONSEVERABLE PROVISIONS.--NOTWITHSTANDING THE PROVISIONS
26 OF THIS OR ANY OTHER LAW TO THE CONTRARY, ALL CONSTABLES AND
27 DEPUTY CONSTABLES SHALL ENJOY ALL OF THE RIGHTS AND PRIVILEGES
28 ACCORDED TO CONSTABLES BY SECTION 10 OF THE ACT OF OCTOBER 4,
29 1978 (P.L.883, NO.170), REFERRED TO AS THE PUBLIC OFFICIAL AND
30 EMPLOYEE ETHICS LAW. THIS SUBSECTION IS NONSEVERABLE FROM THE

1 REMAINDER OF THIS SUBCHAPTER. IN THE EVENT THAT SECTION 10 OF
2 THE PUBLIC OFFICIAL AND EMPLOYEE ETHICS LAW OR THIS SUBSECTION
3 IS INVALIDATED OR SUSPENDED AS TO CONSTABLES OR DEPUTY
4 CONSTABLES, THEN THIS ENTIRE SUBCHAPTER SHALL BE DEEMED TO BE
5 LIKEWISE INVALIDATED OR SUSPENDED.

6 (E) JUDICIAL DUTIES.--CONSTABLES AND DEPUTY CONSTABLES SHALL
7 CONTINUE TO HAVE ALL POWERS AND TO EXERCISE ALL DUTIES PROVIDED
8 BY LAW, WHETHER OR NOT THEY BECOME CERTIFIED, EXCEPT AS PROVIDED
9 IN SUBSECTION (A), AND AS FOLLOWS:

10 (1) CONSTABLES AND DEPUTY CONSTABLES WHO ARE CERTIFIED
11 PURSUANT TO SECTION 2943 TO PERFORM JUDICIAL DUTIES SHALL
12 GIVE PRIORITY TO THEIR JUDICIAL DUTIES OVER THEIR OTHER
13 CONSTABLE FUNCTIONS.

14 (2) WHILE A CONSTABLE OR DEPUTY CONSTABLE IS PERFORMING
15 HIS JUDICIAL DUTIES, HE SHALL NOT SIMULTANEOUSLY EXERCISE ANY
16 OF THE OTHER POWERS OR PERFORM ANY OF THE OTHER DUTIES OF A
17 CONSTABLE OR DEPUTY CONSTABLE.

18 (3) WHILE A CONSTABLE OR DEPUTY CONSTABLE IS PERFORMING
19 DUTIES OTHER THAN JUDICIAL DUTIES, REGARDLESS OF WHETHER OR
20 NOT HE IS CERTIFIED PURSUANT TO SECTION 2943, HE SHALL NOT BE
21 SUBJECT TO THE SUPERVISION OF THE PRESIDENT JUDGE, NOR SHALL
22 HE IN ANY MANNER HOLD HIMSELF OUT TO BE ACTIVE AS AN AGENT,
23 EMPLOYEE OR REPRESENTATIVE OF ANY COURT, DISTRICT JUSTICE OR
24 JUDGE, EITHER BY WORD, BY THE DISPLAY OF ANY BADGE, CARD,
25 DECAL, EMBLEM, INSIGNIA, IDENTIFICATION, MARKING, PATCH OR
26 SIGN APPROVED BY THE ADMINISTRATIVE OFFICE, OR OTHERWISE.

27 § 2943. CERTIFICATION.

28 (A) REQUIREMENTS.--ANY CONSTABLE OR DEPUTY CONSTABLE SHALL
29 BECOME CERTIFIED TO PERFORM JUDICIAL DUTIES UPON SUCCESSFULLY
30 COMPLETING THE PROGRAM ESTABLISHED PURSUANT TO THIS SECTION,

1 FILING A CERTIFICATE ATTESTING THERETO WITH THE CLERK AND FILING
2 WITH THE CLERK PROOF THAT HE HAS, CURRENTLY IN FORCE, A POLICY
3 OF PROFESSIONAL LIABILITY INSURANCE COVERING HIM IN THE
4 PERFORMANCE OF HIS JUDICIAL DUTIES WITH A MINIMUM COVERAGE OF
5 \$250,000 PER INCIDENT AND A MINIMUM AGGREGATE OF \$500,000 PER
6 YEAR.

7 (B) COMPLETION OF PROGRAM.--ANY PERSON SHALL BE DEEMED TO
8 HAVE COMPLETED THE PROGRAM IF HE SUCCESSFULLY COMPLETES THE
9 EXAMINATION ADMINISTERED AT THE END OF ANY SUCH COURSE. NO ONE
10 WHO ELECTS TO EXERCISE THE BENEFIT OF THIS SUBSECTION AND WHO
11 FAILS TO ACHIEVE A PASSING SCORE ON THE EXAMINATION MAY
12 THEREAFTER REPEAT THE EXAMINATION WITHOUT ATTENDING THE COURSE
13 OF STUDY.

14 (C) TEMPORARY CERTIFICATION.--EVERY CONSTABLE OR DEPUTY
15 CONSTABLE WHO IS IN OFFICE ON THE EFFECTIVE DATE OF THIS
16 SUBCHAPTER SHALL BE DEEMED TO BE TEMPORARILY CERTIFIED TO
17 PERFORM JUDICIAL DUTIES FOR THE BALANCE OF HIS CURRENT TERM OF
18 OFFICE. AS USED IN THIS SUBSECTION, THE "CURRENT TERM OF OFFICE"
19 OF A DEPUTY CONSTABLE SHALL BE COTERMINOUS WITH THAT OF THE
20 CONSTABLE WHO APPOINTED HIM, UNLESS SOONER REVOKED OR
21 TERMINATED. AT THE CONCLUSION OF THE CURRENT TERM OF OFFICE, NO
22 SUCH CONSTABLES OR DEPUTY CONSTABLES SHALL CONTINUE TO BE DEEMED
23 CERTIFIED UNLESS THEY HAVE COMPLIED WITH THE PROVISIONS OF
24 SUBSECTION (A) OR (B).

25 (D) LOSS OF CERTIFICATION.--ANY CONSTABLE OR DEPUTY
26 CONSTABLE WHO FAILS, NEGLECTS OR REFUSES TO COMPLY WITH ANY
27 CONTINUING EDUCATION AND TRAINING REGULATIONS ADOPTED BY THE
28 BOARD SHALL CEASE AUTOMATICALLY TO BE CERTIFIED TO PERFORM
29 JUDICIAL DUTIES AS OF THE END OF THE PERIOD OF TIME ESTABLISHED
30 BY THE BOARD, WHICH SHALL NOT BE LESS THAN ONE YEAR, DURING

1 WHICH SUCH REGULATIONS WERE NOT COMPLIED WITH.

2 (E) INSURANCE REQUIRED.--ANY CONSTABLE OR DEPUTY CONSTABLE
3 WHO FAILS, NEGLECTS OR REFUSES TO MAINTAIN A CURRENT INSURANCE
4 POLICY AS REQUIRED BY SUBSECTION (A), OR TO FILE PROOF THEREOF
5 WITH THE CLERK, SHALL CEASE AUTOMATICALLY TO BE CERTIFIED TO
6 PERFORM JUDICIAL DUTIES UPON THE EXPIRATION OF THE POLICY OF
7 WHICH PROOF HAS BEEN FILED WITH THE CLERK, AND THE CLERK SHALL
8 SO NOTIFY THE ADMINISTRATIVE OFFICE.

9 (F) RECERTIFICATION.--ANY CONSTABLE OR DEPUTY CONSTABLE WHO
10 CEASES TO BE CERTIFIED TO PERFORM JUDICIAL DUTIES AS A RESULT OF
11 THE OPERATION OF SUBSECTION (D) OR (E) MAY LATER BE RECERTIFIED
12 IMMEDIATELY BY FILING WITH THE CLERK PROOF THAT SUCH INSURANCE
13 HAS BEEN IN FORCE CONTINUOUSLY SINCE THE OFFICER WAS LAST
14 CERTIFIED TO PERFORM JUDICIAL DUTIES, AND THE CLERK SHALL SO
15 NOTIFY THE ADMINISTRATIVE OFFICE OR, IN THE CASE OF A VIOLATION
16 OF SUBSECTION (E), THE INDIVIDUAL MAY BE RECERTIFIED BY
17 COMPLYING WITH SUBSECTIONS (A) AND (B).

18 § 2944. BASIC EDUCATION.

19 (A) PROGRAM--THE BOARD SHALL PRESCRIBE AND APPROVE THE
20 SUBJECT MATTER AND THE EXAMINATION FOR THE PROGRAM. THE BOARD
21 SHALL ADMINISTER THE PROGRAM AND CONDUCT THE EXAMINATION AT SUCH
22 TIMES, AT SUCH PLACES AND IN SUCH MANNER AS THE REGULATIONS OF
23 THE BOARD MAY PRESCRIBE. THE COURSE SHALL BE OFFERED AS
24 FREQUENTLY, AND IN AS MANY LOCATIONS THROUGHOUT THIS
25 COMMONWEALTH, AS AVAILABLE FUNDS PERMIT. IF FUNDS PERMIT, THE
26 COURSE SHALL BE OFFERED ON A REGIONAL BASIS, TAKING INTO ACCOUNT
27 THE DENSITY OF POPULATION OF CONSTABLES AND THE ACCESSIBILITY OF
28 LOCATIONS TO SUCH POPULATION. THE COURSE MAY BE OFFERED AT ONE
29 LOCATION ON A FULL-TIME BASIS FOR A PERIOD NOT EXCEEDING TWO
30 WEEKS IN DURATION. IN ALL OTHER LOCATIONS, THE COURSE SHALL BE

1 OFFERED ON AN EVENING AND/OR WEEKEND BASIS AND SHALL NOT EXCEED
2 80 HOURS IN DURATION.

3 (B) ELIGIBILITY.--ANY PERSON WHO IS ELIGIBLE TO BECOME A
4 CONSTABLE OR DEPUTY CONSTABLE MAY ATTEND THE COURSE AND/OR TAKE
5 THE EXAMINATION.

6 (C) ADMISSION PRIORITY.--IN THE EVENT THAT THERE ARE MORE
7 APPLICATIONS FOR ADMISSION TO THE PROGRAM THAN CAN BE
8 ACCOMMODATED AT A PARTICULAR TIME AND PLACE, PRIORITY IN
9 ADMISSION SHALL BE GRANTED AS FOLLOWS:

10 (1) FIRST PREFERENCE SHALL BE GIVEN TO CONSTABLES.
11 WITHIN THIS CATEGORY, PREFERENCE SHALL BE GIVEN TO THOSE
12 WHOSE TERMS OF OFFICE WILL EXPIRE SOONER RATHER THAN LATER.

13 (2) SECOND PREFERENCE SHALL BE GIVEN TO DEPUTY
14 CONSTABLES. WITHIN THIS CATEGORY, PREFERENCE SHALL BE GIVEN
15 TO THOSE WHOSE APPOINTING CONSTABLES ARE SERVING TERMS WHICH
16 WILL EXPIRE SOONER RATHER THAN LATER.

17 (3) THIRD PREFERENCE SHALL BE GIVEN TO CANDIDATES FOR
18 THE OFFICE OF CONSTABLE WHO HAVE FILED NOMINATION PAPERS OR
19 PETITIONS WITH THEIR RESPECTIVE COUNTY BOARDS OF ELECTION OR
20 WHO HAVE RECEIVED THE NOMINATION OF A POLITICAL BODY, PARTY
21 OR MINOR POLITICAL PARTY AS SUCH TERMS ARE DEFINED IN ACT OF
22 JUNE 3, 1937 (P.L.1333, NO.320), KNOWN AS THE PENNSYLVANIA
23 ELECTION CODE.

24 (4) FOURTH PREFERENCE SHALL BE GIVEN TO OTHER INTERESTED
25 PERSONS WHO ARE ELIGIBLE TO BECOME CONSTABLES OR DEPUTY
26 CONSTABLES.

27 (D) COMPLETION.--EVERY PERSON WHO SUCCESSFULLY COMPLETES THE
28 PROGRAM SHALL RECEIVE FROM THE BOARD A CERTIFICATE SO STATING.

29 § 2945. CONTINUING EDUCATION.

30 (A) GENERAL RULE.--THE BOARD SHALL PRESCRIBE AND APPROVE A

1 COURSE OF CONTINUING EDUCATION AND TRAINING FOR CONSTABLES AND
2 DEPUTY CONSTABLES AND SHALL ADMINISTER THE COURSE AND SHALL
3 CONDUCT IT AT SUCH TIMES, AT SUCH PLACES AND IN SUCH MANNER AS
4 THE REGULATIONS OF THE BOARD MAY PRESCRIBE. THE COURSE SHALL BE
5 OFFERED AS FREQUENTLY, AND IN AS MANY LOCATIONS THROUGHOUT THIS
6 COMMONWEALTH, AS AVAILABLE FUNDS PERMIT. IF FUNDS PERMIT, THE
7 COURSE SHALL BE OFFERED ON A REGIONAL BASIS, TAKING INTO ACCOUNT
8 THE DENSITY OF POPULATION OF CONSTABLES AND THE ACCESSIBILITY OF
9 LOCATIONS TO SUCH POPULATION. THE COURSE MAY BE OFFERED AT ONE
10 LOCATION ON A FULL-TIME BASIS FOR A PERIOD NOT EXCEEDING ONE
11 WEEK IN DURATION. IN ALL OTHER LOCATIONS, THE COURSE SHALL BE
12 OFFERED ON AN EVENING AND/OR WEEKEND BASIS AND SHALL NOT EXCEED
13 40 HOURS IN DURATION.

14 (B) ADMISSION OPEN.--NO CONSTABLE OR DEPUTY CONSTABLE WHO IS
15 CERTIFIED PURSUANT TO SECTION 2943 (RELATING TO CERTIFICATION)
16 SHALL BE DENIED ADMISSION TO ANY SUCH COURSE.

17 (C) REQUIREMENT.--THE BOARD MAY REQUIRE CONSTABLES AND
18 DEPUTY CONSTABLES, AS A CONDITION TO THEIR REMAINING CERTIFIED
19 TO PERFORM JUDICIAL DUTIES, TO SUCCESSFULLY COMPLETE SUCH A
20 COURSE NO MORE THAN ONCE IN EVERY YEAR, OR LONGER PERIOD OF
21 TIME, SUBSEQUENT TO THE YEAR IN WHICH THEY WERE INITIALLY SO
22 CERTIFIED.

23 (D) NOTICE.--THE BOARD SHALL IMMEDIATELY NOTIFY THE
24 ADMINISTRATIVE OFFICE AND THE CLERK OF ANY CONSTABLE OR DEPUTY
25 CONSTABLE WHO FAILS, NEGLECTS OR REFUSES TO SUCCESSFULLY
26 COMPLETE ANY COURSE OF CONTINUING EDUCATION AND TRAINING WITHIN
27 THE TIME PERIOD REQUIRED.

28 § 2946. FIREARMS.

29 (A) GENERAL RULE.--NO CONSTABLE OR DEPUTY CONSTABLE MAY
30 CARRY OR USE A FIREARM IN THE PERFORMANCE OF JUDICIAL DUTIES

1 UNLESS HE HAS SUCCESSFULLY COMPLETED A PROGRAM OF EDUCATION AND
2 TRAINING, WHICH HAS BEEN APPROVED BY THE BOARD, IN THE PROPER
3 USE OF FIREARMS. FOR THE PURPOSE OF THIS SUBSECTION, THE
4 FIREARMS PORTION OF THE EDUCATION AND TRAINING PROGRAM
5 ESTABLISHED PURSUANT TO THE ACT OF JUNE 18, 1974 (P.L.359,
6 NO.120), REFERRED TO AS THE MUNICIPAL POLICE EDUCATION AND
7 TRAINING LAW, SHALL BE DEEMED TO BE A PROGRAM APPROVED BY THE
8 BOARD. ANY PERSON WHO HAS SUCCESSFULLY COMPLETED THE FIREARMS
9 PORTION OF THE PROGRAM ESTABLISHED PURSUANT TO THE ACT OF
10 FEBRUARY 9, 1984 (P.L.3, NO.2), KNOWN AS THE DEPUTY SHERIFFS'
11 EDUCATION AND TRAINING ACT, MAY SATISFY THE REQUIREMENTS OF THIS
12 SUBSECTION BY SUCCESSFULLY COMPLETING A WRITTEN FIREARMS
13 EXAMINATION APPROVED BY THE BOARD.

14 (B) REQUALIFICATION.--NO CONSTABLE OR DEPUTY CONSTABLE MAY
15 CARRY OR USE A FIREARM IN THE PERFORMANCE OF JUDICIAL DUTIES
16 UNLESS HE HAS REQUALIFIED WITH HIS FIREARM AS THE BOARD MAY
17 REQUIRE, WHICH REQUALIFICATION SHALL NOT BE REQUIRED MORE THAN
18 ONCE A YEAR AFTER HIS INITIAL QUALIFICATION.

19 (C) PERMITTED USE.--ANY CONSTABLE OR DEPUTY CONSTABLE MAY
20 CARRY AND USE A FIREARM IN THE PERFORMANCE OF JUDICIAL DUTIES
21 PROVIDED THAT HE HAS MET THE REQUIREMENTS OF THIS SECTION.

22 (D) CARRYING FIREARMS IN PERFORMANCE OF ANY OFFICIAL
23 DUTIES.--A CONSTABLE OR DEPUTY CONSTABLE WHO IS NOT CERTIFIED
24 PURSUANT TO SECTION 2943 (RELATING TO CERTIFICATION) MAY NOT
25 CARRY OR USE A FIREARM IN THE PERFORMANCE OF ANY OF HIS OFFICIAL
26 DUTIES UNLESS HE HAS SUCCESSFULLY COMPLETED THE FIREARMS PORTION
27 OF ONE OR MORE OF THE FOLLOWING:

28 (1) ANY PROGRAM APPROVED PURSUANT TO THE ACT OF JUNE 18,
29 1974 (P.L.359, NO.120), REFERRED TO AS THE MUNICIPAL POLICE
30 EDUCATION AND TRAINING LAW.

1 (2) ANY PROGRAM APPROVED PURSUANT TO THE ACT OF OCTOBER
2 10, 1974 (P.L.705, NO.235), KNOWN AS THE LETHAL WEAPONS
3 TRAINING ACT.

4 (3) THE PROGRAM ESTABLISHED PURSUANT TO THE ACT OF
5 FEBRUARY 9, 1984 (P.L.3, NO.2), KNOWN AS THE DEPUTY SHERIFFS'
6 EDUCATION AND TRAINING ACT.

7 (4) ANY PROGRAM APPROVED BY THE BOARD PURSUANT TO
8 SUBSECTION (A).

9 § 2947. FEES.

10 (A) GENERAL RULE.--CONSTABLES AND DEPUTY CONSTABLES SHALL BE
11 COMPENSATED FOR PERFORMING JUDICIAL DUTIES BY THE PAYMENT OF
12 FEES AS SET FORTH IN THIS SECTION AND SHALL BE PAID ACCORDING TO
13 LAW FOR PERFORMING OTHER DUTIES.

14 (B) TRAVEL OR MILEAGE.--ACTUAL MILEAGE FOR TRAVEL BY MOTOR
15 VEHICLE SHALL BE REIMBURSED AT A RATE EQUAL TO THE HIGHEST RATE
16 ALLOWED BY THE INTERNAL REVENUE SERVICE. IF TRAVEL IS BY OTHER
17 THAN MOTOR VEHICLE, REIMBURSEMENT SHALL BE FOR ACTUAL, VOUCHERED
18 TRAVEL EXPENSES.

19 (C) APPORTIONMENT.--IF MORE THAN ONE DEFENDANT IS
20 TRANSPORTED SIMULTANEOUSLY, REIMBURSEMENTS SHALL BE FOR ACTUAL
21 MILES TRAVELED, AND THE COST SHALL BE DIVIDED BETWEEN OR AMONG
22 THE DEFENDANTS.

23 (D) ADDITIONAL PERSONS.--A CONSTABLE OR DEPUTY CONSTABLE,
24 WHEN HE IS TRANSPORTING A PRISONER, SERVING A WARRANT IN A COURT
25 CASE OR SERVING A WARRANT ON A DEFENDANT OF THE OPPOSITE SEX,
26 MAY BE ACCOMPANIED BY A SECOND CONSTABLE OR DEPUTY CONSTABLE WHO
27 IS CERTIFIED PURSUANT TO SECTION 2943 (RELATING TO
28 CERTIFICATION) TO PERFORM JUDICIAL DUTIES. IN SUCH CASES, EACH
29 OFFICER SHALL RECEIVE THE FEE SET OUT IN THIS SECTION. IN ALL
30 OTHER CIVIL AND CRIMINAL CASES, THE ISSUING AUTHORITY MAY

1 AUTHORIZE SUCH PAYMENT TO A SECOND SUCH OFFICER.

2 (E) CIVIL CASES.--IN CIVIL CASES, CONSTABLE FEES MUST BE
3 PAID IN ADVANCE FOR SERVICES DESIRED TO BE PERFORMED. SUCH FEES
4 SHALL NOT BE REFUNDABLE TO THE PLAINTIFF IF A CASE IS SETTLED OR
5 A DEBT IS SATISFIED LESS THAN 48 HOURS PRIOR TO A SCHEDULED SALE
6 OR EJECTMENT, IN WHICH LATTER CASE THE CONSTABLE OR DEPUTY
7 CONSTABLE SHALL BE PAID FOR A NONFORCIBLE EJECTMENT.

8 (F) PAYMENT.--FEES SHALL BE PAID AS SOON AS POSSIBLE AND IN
9 EVERY CASE NOT MORE THAN 30 DAYS AFTER THE LATTER OF THE
10 FOLLOWING OCCURS:

11 (1) THE SERVICE IS PERFORMED; AND

12 (2) THE REQUEST FOR PAYMENT IS SUBMITTED.

13 (G) SPECIFIC FEES.--FEES IN CIVIL CASES SHALL BE AS FOLLOWS:

14 (1) FOR SERVING COMPLAINT, SUMMONS OR NOTICE ON SUITOR
15 OR TENANT, EITHER PERSONALLY OR BY LEAVING A COPY, \$10 PLUS
16 \$5 FOR EACH ADDITIONAL DEFENDANT AT THE SAME ADDRESS.

17 (2) FOR SERVING SUBPOENAS, \$10 FOR THE FIRST WITNESS
18 PLUS \$2.50 FOR EACH ADDITIONAL WITNESS AT THE SAME ADDRESS.

19 (3) FOR LEVYING GOODS, INCLUDING SCHEDULE OF PROPERTY
20 LEVIED UPON AND SET ASIDE, \$35.

21 (4) FOR ADVERTISING PERSONAL PROPERTY TO PUBLIC SALE, \$5
22 PER POSTING (MAXIMUM OF \$15) PLUS ACTUAL COST OF ADVERTISING.

23 (5) FOR SELLING GOODS LEVIED, \$35.

24 (6) FOR CLERK HIRED AT SALES, \$20.

25 (7) FOR MAKING RETURN OF NOT FOUND OR NULLA BONA (NO
26 GOODS), \$10.

27 (8) FOR EXECUTING ORDER OF POSSESSION, \$10.

28 (9) FOR NONFORCIBLE EJECTMENT ON ORDER OF POSSESSION,
29 \$35.

30 (10) FOR FORCIBLE EJECTMENT, \$70.

(11) FOR MAKING RETURN OF SERVICE, OTHER THAN NOT FOUND
OR NULLA BONA (NO GOODS), \$2.50.

(12) FOR PROVIDING COURT-ORDERED SECURITY, \$10 PER HOUR.

(H) CRIMINAL CASES.--FEES IN CRIMINAL CASES SHALL BE AS
FOLLOWS:

(1) FOR EXECUTING A WARRANT, \$15 PER WARRANT.

(2) FOR TAKING CUSTODY OF A DEFENDANT, \$5 PER DEFENDANT.

(3) FOR CONVEYANCE OF DEFENDANT TO OR FROM COURT, \$5 PER
DEFENDANT.

(4) FOR ATTENDANCE AT ARRAIGNMENT OR HEARING, \$5 PER
DEFENDANT.

(5) FOR EXECUTING DISCHARGE, \$5 PER DEFENDANT.

(6) FOR EXECUTING COMMITMENT, \$5 PER DEFENDANT

(7) FOR EXECUTING RELEASE, \$5 PER DEFENDANT.

(8) FOR MAKING RETURNS TO THE COURT OF PROCESS SERVED OR
NON EST INVENTUS (NOT FOUND), \$2.50.

(9) WITH THE APPROVAL OF THE PRESIDENT JUDGE, \$10 PER
DEFENDANT PER HOUR BEYOND THE FIRST HALF HOUR, ASSESSED TO
THE COURT.

(10) FOR CONVEYING DEFENDANTS FOR FINGERPRINTING, \$5 PER
DEFENDANT.

(11) FOR OVERSEEING THE FINGERPRINTING OF DEFENDANTS AT
THE DIRECTION OF THE DISTRICT JUSTICE, \$5 PER DEFENDANT PLUS
\$10 PER DEFENDANT PER HOUR BEYOND THE FIRST HALF HOUR.

(12) FOR PROVIDING COURT-ORDERED SECURITY, \$10 PER HOUR.

(I) SIMILAR FEES.--FOR CIVIL AND CRIMINAL SERVICES NOT
SPECIFICALLY PROVIDED FOR, THE COURT SHALL PAY THE SAME FEES AS
IT PAYS FOR SERVICES THAT IT DETERMINES TO BE SIMILAR TO THOSE
PERFORMED.

(J) ASSESSMENT BY COURT.--IN ALL CRIMINAL CASES WHEREIN THE

1 DEFENDANT IS DISCHARGED OR INDIGENT, OR THE CASE IS OTHERWISE
2 DISMISSED, THE COURT SHALL ASSESS TO THE COUNTY THE FEE AND THE
3 SURCHARGE PROVIDED IN SUBSECTION (L), EXCEPT THAT, IN CASES OF
4 PRIVATE CRIMINAL COMPLAINTS WHEREIN THE DEFENDANT IS DISCHARGED
5 PRIOR TO THE INDICTMENT OR THE FILING OF ANY INFORMATION OR THE
6 CASE IS OTHERWISE DISMISSED AT THE SUMMARY OFFENSE HEARING, THE
7 COURT SHALL ASSESS THE FEE AND SURCHARGE TO THE AFFIANT.

8 (K) ADJUSTMENT OF FEES.--THE ADMINISTRATIVE OFFICE MAY RAISE
9 THE ABOVE FEES AND ADD NEW CATEGORIES AND FEES FROM TIME TO TIME
10 AS IT DEEMS FAIR AND JUST FOR THE PERFORMANCE OF JUDICIAL DUTIES
11 PROVIDED BY LAW.

12 (L) SURCHARGE.--THERE IS HEREBY ASSESSED A SURCHARGE OF \$2
13 ON EACH FEE PAYABLE FOR THE PERFORMANCE OF JUDICIAL DUTIES TO
14 EVERY CONSTABLE OR DEPUTY CONSTABLE WHO IS CERTIFIED PURSUANT TO
15 SECTION 2943 TO PERFORM JUDICIAL DUTIES. THIS SURCHARGE IS
16 IMPOSED ON EACH INDIVIDUAL SERVICE FOR WHICH A FEE IS PROVIDED,
17 INCLUDING EACH HOUR FOR WHICH AN HOURLY RATE IS TO BE PAID.
18 MONEYS COLLECTED PURSUANT TO THIS SUBSECTION SHALL BE TURNED
19 OVER MONTHLY BY THE ISSUING AUTHORITY TO THE COUNTY TREASURER OF
20 THE COUNTY IN WHICH THE ISSUING AUTHORITY SERVES.

21 (M) SPECIAL ACCOUNT.--THERE IS HEREBY ESTABLISHED A SPECIAL
22 RESTRICTED RECEIPTS ACCOUNT WITHIN THE GENERAL FUND OF THE STATE
23 TREASURY, WHICH SHALL BE KNOWN AS THE CONSTABLES' EDUCATION AND
24 TRAINING ACCOUNT, FOR THE PURPOSE OF FINANCING PROGRAM EXPENSES,
25 THE COSTS OF ADMINISTERING THE PROGRAM AND ALL OTHER COSTS
26 ASSOCIATED WITH THE IMPLEMENTATION OF THE PROGRAM AND CONTINUING
27 EDUCATION COURSE ESTABLISHED PURSUANT TO THIS SUBCHAPTER. NO
28 FUNDS FROM THIS SPECIAL ACCOUNT SHALL BE USED FOR ADMINISTRATIVE
29 COSTS OF THE COURT ADMINISTRATOR.

30 (N) DISPOSITION OF FUNDS.--THE MONEYS COLLECTED BY COUNTY

1 TREASURERS UNDER SUBSECTION (L) SHALL BE FORWARDED MONTHLY BY
2 EACH COUNTY TREASURER TO THE DEPARTMENT OF REVENUE FOR DEPOSIT
3 INTO THE ACCOUNT. NONE OF THESE MONEYS SHALL BE TRANSFERRED BY
4 THE STATE TREASURER TO ANOTHER ACCOUNT OR FUND.

5 (O) APPROPRIATIONS.--

6 (1) FOR THE 1988-1989 FISCAL YEAR, ALL MONEYS DEPOSITED
7 IN THE SPECIAL FUND ESTABLISHED UNDER SUBSECTION (M) ARE
8 HEREBY APPROPRIATED TO THE COURT ADMINISTRATOR OF
9 PENNSYLVANIA TO BE USED FOR THE CONSTABLE EDUCATION AND
10 TRAINING PROGRAM ESTABLISHED IN SUBSECTION (M).

11 (2) FOR THE FISCAL YEAR BEGINNING JULY 1, 1989, AND EACH
12 YEAR THEREAFTER, THE GENERAL ASSEMBLY SHALL APPROPRIATE TO
13 THE COURT ADMINISTRATOR OF PENNSYLVANIA FROM THE SPECIAL
14 ACCOUNT ESTABLISHED IN SUBSECTION (M) SUCH FUNDS AS MAY BE
15 NECESSARY TO CARRY OUT THE PROVISIONS OF THIS ACT.

16 (P) DISBURSEMENTS.--DISBURSEMENTS FROM THE ACCOUNT SHALL BE
17 MADE ONLY BY THE ADMINISTRATIVE OFFICE.

18 (Q) AUDIT.--THE AUDITOR GENERAL SHALL CONDUCT AN AUDIT OF
19 THE ACCOUNT AS HE MAY DEEM NECESSARY OR ADVISABLE FROM TIME TO
20 TIME.

21 § 2948. DISCIPLINE.

22 (A) LOSS OF CERTIFICATION.--A CONSTABLE OR DEPUTY CONSTABLE
23 WHO IS CONVICTED OF OR PLEADS GUILTY OR NOLO CONTENDERE TO
24 MURDER OR A FELONY OR MISDEMEANOR SHALL AUTOMATICALLY CEASE TO
25 BE CERTIFIED TO PERFORM JUDICIAL DUTIES. A CONSTABLE OR DEPUTY
26 CONSTABLE WHO IS CONVICTED OF MURDER OR A FELONY OR MISDEMEANOR
27 SHALL BE SUSPENDED FROM PERFORMING JUDICIAL DUTIES BY THE
28 PRESIDENT JUDGE OF THE JUDICIAL DISTRICT IN WHICH THE CONSTABLE
29 OR DEPUTY CONSTABLE WAS ELECTED OR APPOINTED. AFTER ALL APPEALS
30 ARE EXHAUSTED, IF THE CONVICTION IS AFFIRMED, THE PRESIDENT

1 JUDGE SHALL REVOKE THE CERTIFICATION OF THE PERSON TO PERFORM
2 JUDICIAL DUTIES. IF THE CONVICTION IS REVERSED, THE PRESIDENT
3 JUDGE SHALL IMMEDIATELY LIFT THE SUSPENSION.

4 (B) RECERTIFICATION.--A CONSTABLE OR DEPUTY CONSTABLE WHO
5 HAS BEEN CONVICTED OF OR PLEADS GUILTY OR NOLO CONTENDERE TO
6 MURDER OR A FELONY SHALL BE FOREVER BARRED FROM PERFORMING
7 JUDICIAL DUTIES. A CONSTABLE WHO HAS BEEN CONVICTED OF OR PLEADS
8 GUILTY OR NOLO CONTENDERE TO A MISDEMEANOR, AND WHO HAS
9 SUBSEQUENTLY BEEN ELECTED OR REELECTED AS CONSTABLE, MAY THEN
10 SEEK RECERTIFICATION PURSUANT TO SECTION 2943(A) OR (B)
11 (RELATING TO CERTIFICATION). A DEPUTY CONSTABLE WHO HAS BEEN
12 CONVICTED OF OR PLEADS GUILTY OR NOLO CONTENDERE TO A
13 MISDEMEANOR MAY SEEK RECERTIFICATION TO PERFORM JUDICIAL DUTIES
14 ONLY AFTER ALL OF THE FOLLOWING EVENTS HAVE TAKEN PLACE IN THE
15 FOLLOWING ORDER:

16 (1) HE HAS RESIGNED OR BEEN REMOVED FROM THE OFFICE OF
17 DEPUTY CONSTABLE.

18 (2) ANOTHER ELECTION FOR THE OFFICE OF CONSTABLE HAS
19 TAKEN PLACE IN THE JURISDICTION OF THE CONSTABLE WHO HAD
20 APPOINTED HIM.

21 (3) HE HAS BEEN REAPPOINTED AS A DEPUTY CONSTABLE.

22 (C) ADMINISTRATION.--THE ADMINISTRATIVE OFFICE SHALL
23 ADMINISTER THE CONSTABLES AND DEPUTY CONSTABLES WHO ARE
24 CERTIFIED UNDER SECTION 2943 PURSUANT TO THE PENNSYLVANIA RULES
25 OF JUDICIAL ADMINISTRATION AS THE GOVERNING AUTHORITY MAY
26 DIRECT.

27 (D) JUDICIAL DUTIES.--UPON PETITION OF ANY PERSON, SUPPORTED
28 BY AFFIDAVIT, ANY PRESIDENT JUDGE MAY ISSUE, ON ANY CONSTABLE OR
29 DEPUTY CONSTABLE WHO IS ELECTED OR APPOINTED WITHIN THE JUDICIAL
30 DISTRICT AND WHO IS CERTIFIED TO PERFORM JUDICIAL DUTIES, A RULE

1 TO SHOW CAUSE WHY HIS CERTIFICATION SHOULD NOT BE SUSPENDED OR
2 REVOKED FOR INCOMPETENCE, NEGLIGENCE OR VIOLATION OF ANY RULE OF
3 COURT RELATING TO THE CONDUCT OF CONSTABLES OR DEPUTY CONSTABLES
4 IN THE PERFORMANCE OF THEIR JUDICIAL DUTIES. THE RULE TO SHOW
5 CAUSE SHALL SET FORTH THE GROUNDS FOR THE PROPOSED SUSPENSION OR
6 REMOVAL AND SHALL BE RETURNABLE TO A JUDGE OTHER THAN THE
7 PRESIDENT JUDGE. AFTER A HEARING, THE JUDGE MAY SUSPEND OR
8 REVOKE THE CERTIFICATION OF THE CONSTABLE OR DEPUTY CONSTABLE
9 FOR SUCH CAUSE.

10 (E) SUSPENSION OR RESTRICTIONS.--PENDING THE OUTCOME OF A
11 FINAL RULING ON A PETITION PRESENTED PURSUANT TO SUBSECTION (D),
12 THE PRESIDENT JUDGE MAY SUSPEND OR PLACE RESTRICTIONS UPON THE
13 CERTIFICATION TO PERFORM JUDICIAL DUTIES OF ANY CONSTABLE OR
14 DEPUTY CONSTABLE ON AN INTERIM BASIS IF FACTS ALLEGED UNDER OATH
15 DEMONSTRATE THAT CONTINUED AND/OR UNRESTRICTED PERFORMANCE OF
16 JUDICIAL DUTIES BY THE OFFICER WOULD POSE A CLEAR AND PRESENT
17 DANGER TO THE PERSON OR PROPERTY OF OTHERS. SUCH INTERIM ORDER
18 SHALL DISSOLVE ON THE TENTH DAY AFTER IT IS SIGNED UNLESS ONE OR
19 MORE OF THE FOLLOWING EVENTS TAKE PLACE WITHIN THAT TEN-DAY
20 PERIOD:

21 (1) A HEARING IS HELD ON THE CONTINUATION OF THE INTERIM
22 ORDER AND THE COURT DETERMINES THAT THE ORDER SHALL REMAIN IN
23 EFFECT;

24 (2) THE CONSTABLE OR DEPUTY CONSTABLE REQUESTS AND
25 RECEIVES A CONTINUANCE OF SUCH HEARING; OR

26 (3) THE CONSTABLE OR DEPUTY CONSTABLE FAILS TO APPEAR
27 FOR SUCH HEARING.

28 (F) DURATION OF ORDER.--THE HEARING MAY BE HELD BEFORE THE
29 PRESIDENT JUDGE OR ANY OTHER JUDGE. THE INTERIM ORDER PROVIDED
30 FOR IN SUBSECTION (E) SHALL IN ALL CASES DISSOLVE ON THE 30TH

DAY AFTER IT IS SIGNED UNLESS ONE OR MORE OF THE FOLLOWING
EVENTS TAKES PLACE WITHIN THAT 30-DAY PERIOD:

(1) THE CONSTABLE OR DEPUTY CONSTABLE REQUESTS AND
RECEIVES A CONTINUANCE OF THE HEARING PROVIDED FOR IN
SUBSECTION (D);

(2) THE CONSTABLE OR DEPUTY CONSTABLE FAILS TO APPEAR
FOR SUCH HEARING; OR

(3) THE INTERIM ORDER IS SOONER DISSOLVED BY THE COURT.
NO MORE THAN ONE INTERIM SUSPENSION OR RESTRICTION PROCEEDING
MAY BE INITIATED PURSUANT THIS SUBSECTION ON THE BASIS OF THE
SAME ALLEGED FACTS.

(G) OTHER DUTIES.--A CONSTABLE OR DEPUTY CONSTABLE WHOSE
CERTIFICATION TO PERFORM JUDICIAL DUTIES IS SUSPENDED OR REVOKED
MAY CONTINUE TO SERVE AS A CONSTABLE OR DEPUTY CONSTABLE
PERFORMING OTHER DUTIES UNLESS REMOVED FROM OFFICE AS PROVIDED
BY LAW.

SECTION 5. SECTIONS 3351 AND 3733(A) OF TITLE 42 ARE AMENDED
TO READ:

§ 3351. AUTOMATIC RETIREMENT ON AGE.

JUDGES AND DISTRICT JUSTICES SHALL BE RETIRED [UPON
ATTAINING] ON DECEMBER 31 OF THE YEAR IN WHICH THEY ATTAIN THE
AGE OF 70 YEARS.

§ 3733. DEPOSITS INTO ACCOUNT.

(A) GENERAL RULE.--BEGINNING JULY 1, 1987, AND THEREAFTER,
THE TOTAL OF ALL FINES, FEES AND COSTS COLLECTED BY ANY DIVISION
OF THE UNIFIED JUDICIAL SYSTEM WHICH ARE IN EXCESS OF THE AMOUNT
COLLECTED FROM SUCH SOURCES IN THE FISCAL YEAR 1986-1987 SHALL
BE DEPOSITED IN THE JUDICIAL COMPUTER SYSTEM AUGMENTATION
ACCOUNT. ANY FINES, FEES OR COSTS WHICH ARE ALLOCATED BY LAW OR
OTHERWISE DIRECTED TO THE PENNSYLVANIA FISH COMMISSION, TO THE

PENNSYLVANIA GAME COMMISSION OR TO COUNTIES AND MUNICIPALITIES,
TO THE CRIME VICTIM'S COMPENSATION BOARD, TO THE COMMISSION ON
CRIME AND DELINQUENCY FOR VICTIM-WITNESS SERVICES GRANTS UNDER
SECTION 477.15(C) OF THE ACT OF APRIL 9, 1929 (P.L.177, NO.175),
KNOWN AS THE ADMINISTRATIVE CODE OF 1929, TO RAPE CRISIS
CENTERS, TO THE EMERGENCY MEDICAL SERVICES OPERATING FUND OR TO
DOMESTIC VIOLENCE SHELTERS SHALL NOT BE AFFECTED BY THIS
SUBCHAPTER.

* * *

SECTION 6. TITLE 42 IS AMENDED BY ADDING A SECTION TO READ:
§ 5985.1. ADMISSIBILITY OF CERTAIN STATEMENTS.

(A) GENERAL RULE.--AN OUT-OF-COURT STATEMENT MADE BY A CHILD
VICTIM OR WITNESS, WHO AT THE TIME THE STATEMENT WAS MADE WAS
UNDER 12 YEARS OF AGE, DESCRIBING INDECENT CONTACT, SEXUAL
INTERCOURSE, DEVIATE SEXUAL INTERCOURSE OR AGGRAVATED ASSAULT
PERFORMED WITH OR ON THE CHILD BY ANOTHER, NOT OTHERWISE
ADMISSIBLE BY STATUTE OR RULE OF EVIDENCE, IS ADMISSIBLE IN
EVIDENCE IN ANY CRIMINAL PROCEEDING IF:

(1) THE COURT FINDS, IN AN IN CAMERA HEARING, THAT THE
EVIDENCE IS RELEVANT AND THAT THE TIME, CONTENT AND
CIRCUMSTANCES OF THE STATEMENT PROVIDE SUFFICIENT INDICIA OF
RELIABILITY.

(2) THE CHILD EITHER:

(I) TESTIFIES AT THE PROCEEDING; OR

(II) IS UNAVAILABLE AS A WITNESS AND THERE IS
CORROBORATIVE EVIDENCE OF THE ACT.

(B) NOTICE REQUIRED.--A STATEMENT OTHERWISE ADMISSIBLE UNDER
SUBSECTION (A) SHALL NOT BE RECEIVED INTO EVIDENCE UNLESS THE
PROPONENT OF THE STATEMENT NOTIFIES THE ADVERSE PARTY OF THE
PROPONENT'S INTENTION TO OFFER THE STATEMENT AND THE PARTICULARS

1 OF THE STATEMENT SUFFICIENTLY IN ADVANCE OF THE PROCEEDING AT
2 WHICH THE PROPONENT INTENDS TO OFFER THE STATEMENT INTO EVIDENCE
3 TO PROVIDE THE ADVERSE PARTY WITH A FAIR OPPORTUNITY TO PREPARE
4 TO MEET THE STATEMENT.

5 SECTION 7. SECTION 6308(B) OF TITLE 42 IS AMENDED TO READ:
6 § 6308. LAW ENFORCEMENT RECORDS.

7 * * *

8 (B) PUBLIC AVAILABILITY.--

9 (1) THE CONTENTS OF LAW ENFORCEMENT RECORDS AND FILES
10 CONCERNING A CHILD SHALL NOT BE DISCLOSED TO THE PUBLIC
11 EXCEPT IF THE CHILD IS 14 OR MORE YEARS OF AGE AT THE TIME OF
12 THE ALLEGED CONDUCT AND IF:

13 (I) THE CHILD HAS BEEN ADJUDICATED DELINQUENT BY A
14 COURT AS A RESULT OF AN ACT OR ACTS WHICH INCLUDE THE
15 ELEMENTS OF RAPE, KIDNAPPING, MURDER, ROBBERY, ARSON,
16 BURGLARY, VIOLATION OF THE ACT OF APRIL 14, 1972
17 (P.L.233, NO.64), KNOWN AS THE CONTROLLED SUBSTANCE,
18 DRUG, DEVICE AND COSMETIC ACT, OR OTHER ACT INVOLVING THE
19 USE OF OR THREAT OF SERIOUS BODILY HARM;

20 (II) A PETITION ALLEGING DELINQUENCY HAS BEEN FILED
21 BY A LAW ENFORCEMENT AGENCY ALLEGING THAT THE CHILD HAS
22 COMMITTED AN ACT OR ACTS WHICH INCLUDE THE ELEMENTS OF
23 RAPE, KIDNAPPING, MURDER, ROBBERY, ARSON, BURGLARY,
24 VIOLATION OF THE CONTROLLED SUBSTANCE, DRUG, DEVICE AND
25 COSMETIC ACT, OR OTHER ACT INVOLVING THE USE OF OR THREAT
26 OF SERIOUS BODILY HARM AND THE CHILD PREVIOUSLY HAS BEEN
27 ADJUDICATED DELINQUENT BY A COURT AS A RESULT OF AN ACT
28 OR ACTS WHICH INCLUDED THE ELEMENTS OF ONE OF SUCH
29 CRIMES; OR

30 (III) THE CHILD IS A DANGEROUS JUVENILE OFFENDER.

(2) IF THE CONDUCT OF THE CHILD MEETS THE REQUIREMENTS FOR DISCLOSURE AS SET FORTH IN PARAGRAPH (1), THEN THE COURT OR LAW ENFORCEMENT AGENCY, AS THE CASE MAY BE, SHALL DISCLOSE THE NAME, AGE AND ADDRESS OF THE CHILD, THE OFFENSES CHARGED AND THE DISPOSITION OF THE CASE. THE MASTER OR JUDGE WHO ADJUDICATES A CHILD DELINQUENT SHALL SPECIFY THE PARTICULAR OFFENSES AND COUNTS THEREOF WHICH THE CHILD IS FOUND TO HAVE COMMITTED AND SUCH INFORMATION SHALL BE INSERTED ON ANY LAW ENFORCEMENT RECORDS OR FILES DISCLOSED TO THE PUBLIC AS PROVIDED FOR IN THIS SECTION.

* * *

SECTION 8. ANY FINES, FEES OR COSTS COLLECTED UNDER SECTION 3(A) OF THE ACT OF JULY 13, 1987 (P.L.340, NO.64), ENTITLED "AN ACT PROVIDING FOR THE ESTABLISHMENT, FUNDING AND OPERATION OF A SPECIAL RESTRICTED RECEIPT ACCOUNT WITHIN THE GENERAL FUND TO SUPPORT THE ESTABLISHMENT AND OPERATION OF A STATEWIDE JUDICIAL COMPUTER SYSTEM; PROVIDING FOR ANNUAL APPROPRIATIONS FROM THE RESTRICTED FUNDS; AND PROVIDING FOR THE PAYMENT OF A PORTION OF ALL FINES, FEES AND COSTS COLLECTED BY THE JUDICIARY INTO THE RESTRICTED RECEIPT ACCOUNT," OR UNDER 42 PA.C.S. § 3733 (RELATING TO DEPOSITS INTO ACCOUNT) WHICH CANNOT BE COLLECTED UNDER 42 PA.C.S. § 3733 BECAUSE OF THIS AMENDATORY ACT SHALL BE REFUNDED TO THE AFFECTED BOARDS, AGENCIES, COMMISSIONS OR POLITICAL SUBDIVISIONS.

SECTION 9. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

(1) SECTION 2 (SECTION 1522) SHALL TAKE EFFECT IN 60 DAYS.

(2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IMMEDIATELY.