
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 303 Session of
2005

INTRODUCED BY PILEGGI, PUNT, GREENLEAF, ERICKSON, THOMPSON,
RHOADES, WOZNIAK, TOMLINSON, KITCHEN, WONDERLING,
TARTAGLIONE, LOGAN, KASUNIC, MUSTO, WAUGH, LEMMOND, RAFFERTY
AND STOUT, FEBRUARY 15, 2005

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF
REPRESENTATIVES, AS AMENDED, APRIL 25, 2006

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, further providing for
3 fees for constables.

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

6 Section 1. Section 2950 of Title 42 of the Pennsylvania
7 Consolidated Statutes, amended November 30, 2004 (P.L.1618,
8 No.207), is amended to read:

9 § 2950. Fees.

10 (a) Travel or mileage.--Actual mileage for travel by motor
11 vehicle shall be reimbursed at a rate equal to the highest rate
12 allowed by the Internal Revenue Service. If travel is by other
13 than motor vehicle, reimbursement shall be for actual[,]
14 vouchered travel expenses.

15 (b) Apportionment.--If more than one defendant is
16 transported simultaneously, reimbursements shall be for actual

1 miles traveled, and the travel cost shall be divided between or
2 among the defendants.

3 (c) Additional persons.--A constable or deputy constable
4 when he is transporting a prisoner, serving a felony or
5 misdemeanor warrant [other than for a summary offense] or
6 serving a warrant on a juvenile or a defendant of the opposite
7 sex may, at his discretion, be accompanied by a second constable
8 or deputy constable who is certified under section 2947
9 (relating to automatic certification) to perform judicial
10 duties. In such cases, each officer shall receive the fee set
11 out in this section. In all other civil, landlord-tenant and
12 summary criminal cases, the issuing authority may authorize
13 payment to a second officer.

14 (d) Civil and landlord-tenant cases.--In civil and landlord-
15 tenant cases, constable fees must be paid in advance to the
16 court for services desired to be performed. These fees shall not
17 be refundable to the plaintiff if a case is settled or a debt is
18 satisfied less than 48 hours prior to a scheduled sale or
19 ejectment, in which latter case the constable or deputy
20 constable shall be paid for holding the sale or carrying out an
21 ejectment, respectively.

22 (e) Payment.--[Fees] All civil, landlord-tenant and criminal
23 fees shall be paid by the court to the constable as soon as
24 possible and in no case not more than 15 days in civil and
25 landlord-tenant cases and 30 days in criminal cases after the
26 service is performed and a proper request for payment is
27 submitted, provided that, in criminal cases where the books and
28 accounts of the relevant county offices are payable on a monthly
29 basis, payment shall be made not more than 15 days after the
30 close of the month.

1 [(f) Specific fees.--Fees in civil cases shall be as
2 follows:

3 (1) For serving complaint, summons or notice on suitor
4 or tenant, either personally or by leaving a copy, \$10 plus
5 \$5 for each additional defendant at the same address.

6 (2) For levying goods, including schedule of property
7 levied upon and set aside, \$35.

8 (3) For advertising personal property to public sale, \$5
9 per posting (maximum of \$15) plus actual cost of advertising.

10 (4) For selling goods levied, \$35.

11 (5) For clerk at sale, \$20.

12 (6) For making return of not found, \$10.

13 (7) For executing order of possession, \$10.

14 (8) For ejectment, \$70.

15 (9) For making return of service, other than not found,
16 \$2.50.

17 (10) For providing courtroom security as ordered, \$10
18 per hour, prorated to the nearest whole dollar, assessed
19 against one or more parties as determined by the court.]

20 (f) Civil and landlord-tenant cases.--Fees in civil and
21 landlord-tenant cases shall be as follows:

22 (1) For serving complaint, summons or notice on suitor
23 or tenant, either personally or by leaving a copy, \$13, plus
24 \$5 for each additional defendant at the same address, \$2.50
25 for each return of service, plus mileage.

26 (2) For levying goods, including schedule of property
27 levied upon and set aside, notice of levy, and return of
28 service, \$75, plus mileage.

29 (3) For advertising personal property for public sale,
30 \$7 per posting (maximum of \$21), plus mileage, plus actual

1 cost of advertising.

2 (4) For selling goods levied, clerk, receipts and
3 returns to court, \$85, plus mileage.

4 (5) For making return of not found, \$13, plus mileage.
5 Payment shall be limited to three returns of not found.

6 (6) For executing order of possession, \$13, plus \$5 for
7 each additional defendant at the same address, \$2.50 for each
8 return of service, plus mileage.

9 (7) For ejectment, \$90, \$2.50 for each return of
10 service, plus mileage.

11 (8) For making any return of service other than not
12 found, \$2.50 each.

13 (9) For providing courtroom security as ordered, \$13 per
14 hour, assessed against one or more parties as determined by
15 the court.

16 (10) Actual mileage for travel by motor vehicle shall be
17 reimbursed at the rate equal to the highest rate allowed by
18 the Internal Revenue Service. If travel is by other than
19 motor vehicle, reimbursement shall be for actual vouchered
20 travel expenses.

21 (g) Criminal cases.--Fees in criminal cases shall be as
22 follows:

23 (1) For executing [a] each warrant of arrest, or for
24 effectuating the payment of fines and costs by attempting to
25 execute [a warrant, \$15 per warrant] each warrant of arrest,
26 \$25 for each docket number, and \$2.50 for each return of
27 service, plus mileage.

28 (2) For taking custody of a defendant, \$5 per defendant.

29 (3) For conveyance of defendant to or from court, \$5 per
30 defendant.

1 (4) For attendance at arraignment or hearing, [\$5 per
2 defendant] \$13.

3 (5) For executing discharge, \$5 per defendant.

4 (6) For executing commitment, \$5 per defendant.

5 (7) For executing release, \$5 per defendant.

6 (8) For making returns to the court, \$2.50.

7 [(9) For holding one or more defendants at the office of
8 a magisterial district judge, \$10 per hour beyond the first
9 half hour.

10 (10) For conveying defendants for fingerprinting, \$5 per
11 defendant.

12 (11) For fingerprinting or overseeing the fingerprinting
13 of defendants at the direction of the magisterial district
14 judge, \$10 per defendant, plus \$10 per hour beyond the first
15 half hour.

16 (12) For providing courtroom security as ordered, \$10
17 per hour, prorated to the nearest whole dollar, assessed
18 against one or more parties as determined by the court.

19 (13) For serving subpoenas, \$10 for the first witness at
20 each address, plus \$2.50 for each additional witness at the
21 same address. The same fee shall be payable for attempting to
22 service a subpoena at a wrong address supplied by the party
23 requesting the service.

24 (h) Similar fees.--For civil and criminal services not
25 specifically provided for, the court shall pay the same fees as
26 it pays for services that it determines to be similar to those
27 performed.

28 (i) Assessment by court.--In all criminal cases wherein the
29 defendant is discharged or indigent, or the case is otherwise
30 dismissed, the court shall assess to the county the fee provided

1 in this section, except that, in cases of private criminal
2 complaints wherein the defendant is discharged prior to the
3 indictment or the filing of any information or the case is
4 otherwise dismissed at the summary offense hearing, the court
5 shall assess the fee to the affiant.]

6 ~~(9) Transporting each defendant for arraignment or~~ <—
7 NONINCARCERATED DEFENDANT to jail, \$17, plus mileage; <—
8 transporting an incarcerated prisoner, \$38 per prisoner, plus
9 an hourly rate of 13 per hour, plus mileage. Computation of
10 hourly rate will apply after the expiration of the first
11 hour, per prisoner, per hour, not to exceed \$26 per hour, per
12 constable.

13 ~~(10) RECEIPT OF THE FEES FOR TRANSPORTING A~~ <—
14 NONINCARCERATED DEFENDANT UNDER PARAGRAPH (9) SHALL NOT
15 EXCLUDE RECEIPT OF THE FEES UNDER PARAGRAPHS (6) AND (8) FOR
16 THAT TRANSPORT.

17 ~~(11) RECEIPT OF THE FEES FOR TRANSPORTING AN~~
18 INCARCERATED PRISONER UNDER PARAGRAPH (9) SHALL EXCLUDE
19 RECEIPT OF THE FEES UNDER PARAGRAPHS (2), (3), (4) AND (7)
20 FOR THAT TRANSPORT.

21 ~~(10)~~ (12) Actual mileage for travel by motor vehicle <—
22 shall be reimbursed at the rate equal to the highest rate
23 allowed by the Internal Revenue Service. If travel is by
24 other than motor vehicle, reimbursement shall be for actual
25 vouchered travel expenses.

26 ~~(11)~~ (13) For conveying defendants for fingerprinting, <—
27 \$17 per defendant, plus \$13 per hour beyond the first hour
28 per defendant, per hour, not to exceed \$26 per hour, per
29 constable, plus mileage.

30 ~~(12)~~ (14) For holding one or more defendants at the <—

1 office of a magisterial district judge, \$13 per hour, per
2 defendant, beyond the first half hour.

3 ~~(13)~~ (15) For courtroom security, as ordered, \$13 per <—
4 hour, assessed against one or more parties as determined by
5 the court.

6 ~~(14)~~ (16) In all criminal cases wherein the defendant is <—
7 discharged or indigent, or the case is otherwise dismissed,
8 the court shall assess to the county the fee provided in this
9 section, except that, in cases of private criminal complaints
10 wherein the defendant is discharged prior to the indictment
11 or the filing of any information or the case is otherwise
12 dismissed at the summary offense hearing, the court shall
13 assess the fee to the affiant.

14 (h) Subpoenas.--For serving district court-issued subpoenas
15 for civil, landlord-tenant or criminal matters, \$13 for first
16 witness, plus \$5 for each additional witness at the same
17 address, \$2.50 return of service for each subpoena, plus
18 mileage. The same fee shall be payable for attempting to serve a
19 subpoena at a wrong address supplied by the party requesting the
20 service.

21 (i) Similar fees.--For civil, landlord-tenant and criminal
22 services not specifically provided for, the court shall pay the
23 same fees as it pays for services that it determines to be
24 similar to those performed.

25 Section 2. This act shall take effect in 60 days.