

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 907 Session of 2019

INTRODUCED BY CALTAGIRONE, HILL-EVANS, MILLARD, PYLE, READSHAW,
BARRAR, MURT, DeLUCA AND KORTZ, MARCH 20, 2019

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 20, 2019

AN ACT

1 Amending Title 44 (Law and Justice) of the Pennsylvania
2 Consolidated Statutes, in constables, providing for
3 disqualification and further providing for restricted
4 account.

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

7 Section 1. Title 44 of the Pennsylvania Consolidated
8 Statutes is amended by adding a section to read:

9 § 7142.1. Disqualification.

10 (a) Ineligibility.--An individual is ineligible to be
11 certified as a constable or deputy constable if that individual:

12 (1) Was convicted of an offense graded as a felony or
13 serious misdemeanor and has not been pardoned for the
14 offense.

15 (2) Was convicted of an offense in another jurisdiction,
16 state, territory or country in accordance with the laws of
17 that jurisdiction, state, territory or country if the offense
18 is equivalent to an offense under paragraph (1), regardless
19 of the grading in that location.

1 (3) Is required to register under 42 Pa.C.S. § 9799.13
2 (relating to applicability).

3 (b) Certification.--The board may not certify a constable or
4 deputy constable under section 7144(9) (relating to program
5 established) who is disqualified under subsection (a).

6 (c) Criminal history check.--To comply with this section,
7 the board shall check criminal history record information under
8 18 Pa.C.S. Ch. 91 (relating to criminal history record
9 information).

10 (d) Definition.--As used in this section, the term "serious
11 misdemeanor" means a criminal offense for which an individual
12 may be sentenced to imprisonment for one year or more.

13 Section 2. Section 7149(b), (c) and (e) of Title 44 are
14 amended and the section is amended by adding a subsection to
15 read:

16 § 7149. Restricted account.

17 * * *

18 (b) Surcharge.--[There is] Except as provided in subsection
19 (b.1), there shall be assessed as a cost in each case before a
20 magisterial district judge a surcharge of [\$5] \$10 per docket
21 number in each criminal case and [\$5] \$10 per named defendant in
22 each civil case in which a constable or deputy constable
23 performs a service provided in Subchapter G (relating to
24 compensation), [except that no county shall be required to pay
25 this surcharge on behalf of any indigent or other defendant in a
26 criminal case.] the surcharge shall be assessed each time a
27 constable or a deputy constable performs a service on the
28 docket. Additionally, a surcharge of \$10 shall be assessed for
29 any miscellaneous docket or domestic relations docket issued by
30 the court of common pleas in which a constable or deputy

1 constable performs a service, and a surcharge of \$2 shall be
2 assessed for any prisoner transport executed by a constable or
3 deputy constable.

4 (b.1) Exception.--No county shall be required to pay a
5 surcharge on behalf of indigent or other defendant in a criminal
6 case.

7 (c) Disposition of funds.--The surcharges collected under
8 subsection (b), if collected by a constable or deputy constable,
9 shall be turned over within one week to the issuing authority.
10 The issuing authority shall remit the same to the Department of
11 Revenue for deposit into the account. The Administrative Office
12 of Pennsylvania Courts shall ensure proper collection of
13 surcharges in accordance with the priority levels established
14 within the Uniform Disbursement Schedule.

15 * * *

16 (e) Audit.--The Auditor General shall conduct an annual
17 audit of the account [as he may deem necessary or advisable,
18 from time to time, but not less than once every three years.] to
19 ensure all surcharges are being properly received and that all
20 money deposited into the account is utilized only for its
21 intended purposes.

22 * * *

23 Section 3. This act shall take effect in 90 days.