
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1003 Session of
1993

INTRODUCED BY CALTAGIRONE, PICCOLA, MANDERINO, MELIO, GIGLIOTTI,
TRELLO, HECKLER, SAURMAN, D. W. SNYDER AND ROONEY,
MARCH 23, 1993

AMENDMENTS TO SENATE AMENDMENTS, HOUSE OF REPRESENTATIVES,
MAY 23, 1994

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, providing for the
3 Constable Education and Training Program and for conduct and
4 insurance for constables; and making repeals.

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

7 Section 1. Chapter 29 of Title 42 of the Pennsylvania
8 Consolidated Statutes is amended by adding a subchapter to read:

9 CHAPTER 29

10 OFFICERS SERVING PROCESS AND

11 ENFORCING ORDERS

12 * * *

13 SUBCHAPTER C

14 CONSTABLES

15 Sec.

16 2941. Definitions.

17 2942. Conduct and insurance.

- 1 2943. Board established.
- 2 2944. Program established.
- 3 2945. Program contents.
- 4 2946. Continuing education.
- 5 2947. Automatic certification.
- 6 2948. Use of firearms.
- 7 2949. Restricted account.
- 8 2950. Fees.
- 9 § 2941. Definitions.

10 The following words and phrases when used in this subchapter
11 shall have the meanings given to them in this section unless the
12 context clearly indicates otherwise:

13 "Account." The Constables' Education and Training Board
14 established in section 2949 (relating to restricted account).

15 "Board." The Constables' Education and Training Board
16 established in section 2943 (relating to board established).

17 "Commission." The Pennsylvania Commission on Crime and
18 Delinquency of the Commonwealth.

19 "Court." The minor judiciary or any other court in this
20 Commonwealth.

21 "Judicial duties." Those services specified in section 2950
22 (relating to fees).

23 "Term of office of a deputy constable." The term of office
24 of the constable who appointed him.

25 § 2942. Conduct and insurance.

26 (a) Certification.--After the establishment, implementation
27 and administration of the Constables' Education and Training
28 Program created under sections 2944 (relating to program
29 established) and 2945 (relating to program contents), no
30 constable or deputy constable shall perform any judicial duties

1 nor demand or receive any fee, surcharge or mileage provided by
2 this subchapter unless he has been certified under this
3 subchapter.

4 (b) Liability insurance.--Every constable and deputy
5 constable must file with the clerk of courts proof that he has,
6 currently in force, a policy of professional liability insurance
7 covering each individual in the performance of his judicial
8 duties with a minimum coverage of \$250,000 per incident and a
9 minimum aggregate of \$500,000 per year. However, no constable or
10 deputy constable shall be required to file such proof until six
11 months after the effective date of this act. The Constables'
12 Education and Training Board shall immediately investigate and
13 implement the most cost-effective method of achieving liability
14 insurance for constables and deputy constables under this
15 subsection.

16 (c) Loss of certification.--Any constable or deputy
17 constable who fails, neglects or refuses to maintain a current
18 insurance policy as required by subsection (b) or to file proof
19 thereof with the clerk of courts shall cease automatically to be
20 certified to perform judicial duties upon the expiration of the
21 policy of which proof has been filed with the clerk of courts.

22 (d) Recertification.--Any constable or deputy constable who
23 ceases to be certified to perform judicial duties as a result of
24 the operation of subsection (c) may later be recertified
25 immediately by filing with the clerk of courts proof that such
26 insurance has been in force continuously since the officer was
27 last certified to perform judicial duties. In the case of a
28 violation of subsection (c), the individual may be recertified
29 by complying with subsection (b).

30 (e) Limitations on liability.--The provisions of this

1 subchapter shall not be deemed to impose respondeat superior
2 liability on any county.

3 (f) Conduct.--While a constable or deputy constable is
4 performing duties other than judicial duties, regardless of
5 whether or not he is certified under this subchapter, he shall
6 not in any manner hold himself out to be active as an agent,
7 employee or representative of any court, district justice or
8 judge.

9 § 2943. Board established.

10 (a) Board created.--There is hereby established within the
11 commission an advisory board to be known as the Constables'
12 Education and Training Board.

13 (b) Composition.--The board shall be composed of the
14 Pennsylvania State Police Commissioner or his designee and six
15 other members appointed by the Governor with the consent of a
16 majority of the members of the Senate:

17 (1) Three persons who shall be constables.

18 (2) One person who shall be a district justice.

19 (3) One person who shall be a court administrator.

20 (4) One person who shall be a county commissioner.

21 (c) Appointments and terms.--Members shall serve for three-
22 year terms and may be appointed for more than one additional
23 consecutive term. If a member who serves by virtue of public
24 office ceases to represent the class to which he was appointed,
25 his membership in the commission shall terminate immediately,
26 and a new member shall be appointed in the same manner as his
27 predecessor to fill the unexpired portion of the term. No
28 constable may be appointed, be reappointed or serve as a board
29 member unless he is certified under this subchapter.

30 (d) Vacancy.--A member appointed to fill a vacancy created

1 by any reason other than expiration of a term shall be appointed
2 for the unexpired term of the member whom he is to succeed in
3 the same manner as the original appointment.

4 (e) Expenses.--The members of the board shall serve without
5 compensation but shall be reimbursed the necessary and actual
6 expenses incurred in attending meetings of the board and in the
7 performance of their duties under this subchapter.

8 (f) Removal.--Members of the board may be removed by the
9 appointing authority for good cause upon written notice from the
10 appointing authority specifically setting forth the cause for
11 removal.

12 (g) Chairman elected.--The members of the board shall elect
13 a chairman from among the members to serve for a period of one
14 year. A chairman may be elected to serve successive terms. The
15 Governor shall designate the first chairman for organizational
16 purposes only.

17 (h) Meetings.--The chairman shall summon the members of the
18 board to the first meeting within 30 days after his appointment
19 or within 30 days after the appointment of a sufficient number
20 of members to constitute a quorum, whichever is later. The board
21 shall meet as often as it deems necessary but at least four
22 times each year. Meetings may be called by the chairman of the
23 board or by any four members thereof, in either case upon at
24 least ten days' written notice to all members of the board. A
25 quorum shall consist of four members.

26 § 2944. Program established.

27 The board, with the review and approval of the commission,
28 shall:

29 (1) Establish, implement and administer the Constables'
30 Education and Training Program according to the minimum

1 requirements set forth in this subchapter.

2 (2) Establish, implement and administer requirements for
3 the minimum courses of study and training for constables and
4 deputy constables.

5 (3) Establish, implement and administer requirements for
6 courses of study and in-service training for constables and
7 deputy constables.

8 (4) Establish, implement and administer requirements for
9 a continuing education program for constables and deputy
10 constables concerning subjects the board may deem necessary
11 and appropriate for the continued education and training of
12 constables and deputy constables.

13 (5) Approve or revoke the approval of any school which
14 may be utilized for the educational and training requirements
15 of this subchapter.

16 (6) Establish the minimum qualifications for instructors
17 and certify instructors.

18 (7) Consult, cooperate and contract with universities,
19 colleges, law schools, community colleges and institutes for
20 the development of basic and continuing education courses for
21 constables and deputy constables.

22 (8) Promote the most efficient and economical program
23 for constable and deputy constable training by utilizing
24 existing facilities, programs and qualified State and local
25 personnel.

26 (9) Certify constables and deputy constables who have
27 satisfactorily completed the basic and continuing education
28 and training requirements of this subchapter and issue
29 appropriate certificates to them.

30 (10) Make rules and regulations and perform other duties

1 as may be reasonably necessary or appropriate to administer
2 the education and training program for constables and deputy
3 constables.

4 (11) In consultation with the Insurance Commissioner,
5 monitor the price and availability of the liability insurance
6 required by section 2942(b) (relating to conduct and
7 insurance) and, if deemed necessary by the board, provide
8 information and coordination to assure the availability and
9 competitive pricing of such insurance.

10 (12) Make an annual report to the Governor and to the
11 General Assembly concerning:

12 (i) The administration of the Constables' Education
13 and Training Program.

14 (ii) The activities of the board.

15 (iii) The costs of the program.

16 (iv) Proposed changes, if any, in this subchapter.

17 § 2945. Program contents.

18 The Constables' Education and Training Program shall include
19 training for a total of 80 hours, the content of which shall be
20 determined by regulation. The training shall include instruction
21 in the interpretation and application of the fees provided for
22 in section 2950 (relating to fees). Any constable or deputy
23 constable who is in office as of the effective date of this
24 subchapter shall be afforded one and only one opportunity prior
25 to the expiration of his current term to satisfactorily complete
26 this program by examination without the necessity of class
27 attendance.

28 § 2946. Continuing education.

29 The board, with the review and approval of the commission,
30 shall establish a mandatory continuing education program for

1 constables and deputy constables, which shall include no more
2 than 40 hours per year, concerning subjects the board may deem
3 necessary and appropriate for the continued education and
4 training of constables and deputy constables.

5 § 2947. Automatic certification.

6 All constables and deputy constables who are in office as of
7 the effective date of this subchapter shall be deemed to be
8 certified under and in compliance with sections 2945 (relating
9 to program contents) and 2946 (relating to continuing education)
10 for the balance of their current term of office or until the
11 ~~education or training is available to the constables and deputy~~ <—
12 ~~constables~~ CONSTABLES AND DEPUTY CONSTABLES HAVE BEEN PROVIDED <—
13 AN OPPORTUNITY TO COMPLETE THE EDUCATION AND TRAINING in
14 accordance with section 2945 or 2946, whichever is sooner.

15 § 2948. Use of firearms.

16 (a) Standards.--The Constables' Education and Training
17 Board, with the review and approval of the Pennsylvania
18 Commission on Crime and Delinquency, shall establish standards
19 for the certification or qualification of constables and deputy
20 constables to carry or use firearms in the performance of any
21 duties.

22 (b) Certification and qualification.--Until such time as the
23 board establishes the standards pursuant to subsection (a), no
24 constable or deputy constable shall carry or use a firearm in
25 the performance of any duties unless he is currently certified
26 or qualified in firearms under at least one of the following:

27 (1) The act of June 18, 1974 (P.L.359, No.120), referred
28 to as the Municipal Police Education and Training Law.

29 (2) The act of October 10, 1974 (P.L.705, No.235), known
30 as the Lethal Weapons Training Act.

(3) The act of February 9, 1984 (P.L.3, No.2), known as the Deputy Sheriffs' Education and Training Act.

(c) Availability.--In accordance with subsection (b), the firearms portion of the education and training under the listed laws shall be made available to constables and deputy constables.

§ 2949. Restricted account.

(a) Account established.--There is hereby established a special restricted account within the General Fund, which shall be known as the Constables' Education and Training Account, for the purposes of financing training program expenses, the costs of administering the program and all other costs associated with the activities of the board and the implementation of this subchapter.

(b) Surcharge.--There is hereby assessed as a cost in each case before a district justice a surcharge of \$5 per docket number in each criminal case and \$5 per named defendant in each civil case in which a constable or deputy constable performs a service provided in this subchapter, except that no county shall be required to pay this surcharge on behalf of any indigent or other defendant in a criminal case.

(c) Disposition of funds.--The surcharges collected under subsection (b), if collected by a constable or deputy constable shall be turned over within one week to the issuing authority. The issuing authority shall remit the same to the Department of Revenue for deposit into the account.

(d) Disbursements.--Disbursements from the account shall be made by the commission.

(e) Audit.--The Auditor General shall conduct an audit of the account as he may deem necessary or advisable from time to

1 time, but not less than once every three years.

2 § 2950. Fees.

3 (a) Travel or mileage.--Actual mileage for travel by motor
4 vehicle shall be reimbursed at a rate equal to the highest rate
5 allowed by the Internal Revenue Service. If travel is by other
6 than motor vehicle, reimbursement shall be for actual, vouchered
7 travel expenses.

8 (b) Apportionment.--If more than one defendant is
9 transported simultaneously, reimbursements shall be for actual
10 miles traveled, and the cost shall be divided between or among
11 the defendants.

12 (c) Additional persons.--A constable or deputy constable
13 when he is transporting a prisoner, serving a warrant other than
14 for a summary offense or serving a warrant on a defendant of the
15 opposite sex may, at his discretion, be accompanied by a second
16 constable or deputy constable who is certified under section
17 2947 (relating to automatic certification) to perform judicial
18 duties. In such cases, each officer shall receive the fee set
19 out in this section. In all other civil and criminal cases, the
20 issuing authority may authorize payment to a second officer.

21 (d) Civil cases.--In civil cases, constable fees must be
22 paid in advance to the court for services desired to be
23 performed. These fees shall not be refundable to the plaintiff
24 if a case is settled or a debt is satisfied less than 48 hours
25 prior to a scheduled sale or ejectment, in which latter case the
26 constable or deputy constable shall be paid for holding the sale
27 or carrying out an ejectment, respectively.

28 (e) Payment.--Fees shall be paid by the court to the
29 constable as soon as possible and in no case not more than 15
30 days in civil cases and 30 days in criminal cases after the

1 service is performed and a proper request for payment is
2 submitted, provided that, in criminal cases where the books and
3 accounts of the relevant county offices are payable on a monthly
4 basis, payment shall be made not more than 15 days after the
5 close of the month.

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

7 (1) For serving complaint, summons or notice on suitor
8 or tenant, either personally or by leaving a copy, \$10 plus
9 \$5 for each additional defendant at the same address.

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

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

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

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

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

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

18 (8) For ejectment, \$70.

19 (9) For making return of service, other than not found,
20 \$2.50.

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

24 (g) Criminal cases.--Fees in criminal cases shall be as
25 follows:

26 (1) For executing a warrant or for effectuating the
27 payment of fines and costs by attempting to execute a
28 warrant, \$15 per warrant.

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

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

1 defendant.

2 (4) For attendance at arraignment or hearing, \$5 per
3 defendant.

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

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

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

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

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

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

13 (11) For fingerprinting or overseeing the fingerprinting
14 of defendants at the direction of the district justice, \$10
15 per defendant, plus \$10 per hour beyond the first 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 Section 2. Sections 1, 1.1, 1.2, 1.3, 1.4, 1.5, 1.6, 1.7,
7 1.8 and 1.9 of the act of July 20, 1917 (P.L.1158, No.401),
8 referred to as the Constable Fee Law, are repealed.

9 Section 3. This act shall take effect immediately.