

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2350

Session of
1986

INTRODUCED BY SWEET, LASHINGER, PRESSMANN, CALTAGIRONE, FOX, BORTNER, PETRARCA, PICCOLA, BUNT, BLAUM, ANGSTADT, WOGAN, FREIND, JOHNSON, CIVERA, GLADECK, GODSHALL, KUKOVICH, MICHLOVIC, NAHILL, DeLUCA, MICOZZIE, ARTY, VAN HORNE, FISCHER, COY, RYBAK, FEE, BATTISTO, FLICK, DOMBROWSKI, MILLER, COLAFELLA, MRKONIC, HAGARTY, JACKSON, BOYES, BARLEY, DEAL, CIMINI, DORR, DISTLER, REBER, SCHULER, SAURMAN, STABACK, WOZNIAK, MERRY, GEIST, B. SMITH, ROBBINS, PUNT, SALOOM, RICHARDSON, McVERRY, CLYMER, NOYE AND CORNELL, APRIL 9, 1986

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 16, 1986

AN ACT

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

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

6 Section 1. The ~~definition of~~ DEFINITIONS OF "ADMINISTRATIVE <—
7 STAFF," "COUNTY STAFF" AND "officer enforcing orders" in section
8 102 of Title 42 of the Pennsylvania Consolidated Statutes ~~is~~ ARE <—
9 amended and the section is amended by adding a definition to
10 read:

11 § 102. Definitions.

12 Subject to additional definitions contained in subsequent
13 provisions of this title which are applicable to specific
14 provisions of this title, the following words and phrases when

1 used in this title shall have, unless the context clearly
2 indicates otherwise, the meanings given to them in this section:

3 * * *

4 "ADMINISTRATIVE STAFF." ALL INDIVIDUALS EMPLOYED IN THE <—
5 BUSINESS OF A COURT, INCLUDING THE PERSONNEL OF THE OFFICE OF
6 THE CLERK OF THE COURT OF COMMON PLEAS, BUT THE TERM DOES NOT
7 INCLUDE JUDICIAL OFFICERS OR THEIR PERSONAL STAFF. THE TERM
8 INCLUDES THE CLERKS OR PROTHONOTARIES OF THE SUPREME COURT, THE
9 SUPERIOR COURT AND THE COMMONWEALTH COURT AND THEIR STAFFS AND
10 CONSTABLES AND THEIR DEPUTIES.

11 * * *

12 "Constable." A constable elected or appointed pursuant to
13 Subchapter C of Chapter 29 (relating to constables).

14 * * *

15 "COUNTY STAFF." SYSTEM AND RELATED PERSONNEL ELECTED BY THE <—
16 ELECTORATE OF A COUNTY OR SUBJECT TO APPOINTMENT AND REMOVAL BY
17 OFFICERS, OTHER THAN JUDICIAL OFFICERS, SO ELECTED. THE TERM
18 DOES NOT INCLUDE JUDICIAL OFFICERS OR CONSTABLES AND THEIR
19 DEPUTIES.

20 * * *

21 "Officer enforcing orders." Includes:

22 (1) A recorder of deeds when the order affects the
23 ownership of an interest in property described or describable
24 by a document which has been or may be filed or recorded in
25 his office, or which relates to the indexing of documents
26 filed or recorded in his office.

27 (2) A register of wills.

28 (3) A sheriff.

29 (4) A constable.

30 * * *

1 Section 2. Section 1722(a) of Title 42 is amended to read:

2 § 1722. Adoption of administrative and procedural rules.

3 (a) General rule.--The governing authority shall have the
4 power to prescribe and modify general rules governing:

5 (1) Practice, procedure and the conduct of all courts,
6 district justices and all officers serving process or
7 enforcing orders of any court or district justice and for
8 admission to the bar and to practice law, and the
9 administration of all courts and the supervision of all
10 officers of the judicial branch, if such rules are consistent
11 with the Constitution of Pennsylvania and neither abridge,
12 enlarge nor modify the substantive rights of any litigant,
13 nor affect the right of the General Assembly to determine the
14 jurisdiction of any court or district justice, nor suspend
15 nor alter any statute of limitation or repose. All statutes
16 shall be suspended to the extent that they are inconsistent
17 with rules prescribed under this paragraph.

18 (2) The prescription of canons of ethics applicable to
19 judges and district justices and the prescription of rules or
20 canons applicable to the activities of all other personnel of
21 the system.

22 (3) Procedure under section 18 of Article V of the
23 Constitution of Pennsylvania and Subchapter C of Chapter 33
24 (relating to discipline and removal by Judicial Inquiry and
25 Review Board).

26 (4) Procedure under section 18 of Article V of the
27 Constitution of Pennsylvania for the suspension, removal,
28 discipline and compulsory retirement of district justices.

29 (5) Any matter which is specifically authorized by
30 statute to be governed by general rules.

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

4 (1) Three persons who shall be constables.

5 (2) Two persons who shall be district justices.

6 (3) One person who shall be a judge of a court of common
7 pleas.

8 (4) One person who shall be an administrator of a court
9 of common pleas.

10 (5) One person who shall be a nonlawyer elector.

11 (6) One person who shall be a nonjudge member of the bar
12 of this Commonwealth.

13 (b) Terms of office.--The members of the board shall serve
14 for terms of six 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 be paid \$60
18 for each day or part thereof upon which the member attends a
19 board meeting or performs any duty assigned by the chairman.
20 Members shall be reimbursed for reasonable traveling and other
21 accountable expenses incurred incident to such attendance and
22 assigned duty.

23 § 2163. Organization.

24 Annually, the Constable Education Board shall elect a
25 chairman and other officers of the board, who shall hold office
26 at the pleasure of the board. The board shall act only with the
27 concurrence of a majority of its members. A quorum of the board
28 shall consist of five members.

29 § 2164. Staff.

30 The Administrative Office shall provide such staff assistance

1 as the Constable Education Board may require.

2 § 2165. Powers and duties.

3 The Constable Education Board shall exercise the powers and
4 perform the duties vested in and imposed upon the board by
5 Subchapter C of Chapter 29 (relating to constables) and any
6 other powers and duties vested in and imposed upon the board by
7 law.

8 Section 4. Chapter 29 of Title 42 is amended by adding a
9 subchapter to read:

10 CHAPTER 29

11 OFFICERS SERVING PROCESS AND

12 ENFORCING ORDERS

13 * * *

14 SUBCHAPTER C

15 CONSTABLES

16 [(Reserved)]

17 Sec.

18 2941. Election.

19 2942. Qualifications for office.

20 2943. Vacancies and removal from office.

21 2944. Compatible and incompatible offices and activities.

22 2945. Education and training.

23 2946. Deputy constables.

24 2947. Bonds.

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27 2952. Priority of constable business.

28 2953. Records.

29 2954. Registration and identification cards.

30 2955. Uniforms.

- 1 2956. Compensation and expenses generally.
2 2957. Fees.
3 2958. Assessment of fees in certain criminal cases resulting
4 in discharge of the defendant.
5 2959. Educational fee assessment.
6 2960. Distribution of process outside the judicial district.

7 POWERS AND DUTIES

- 8 2965. Service of process.
9 2966. Police powers in certain municipalities.
10 2967. Transportation of prisoners and others.
11 2968. Protection of district justice.
12 2969. Election day powers.
13 2970. Acceptance of security.
14 2971. Additional powers and duties.
15 2972. Recovery of certain vehicle registration cards and plates
16 and licenses.
17 2973. CONSTABLES' RETURNS. <—
18 2974. RETURN OF SUBPOENAS.
19 2975. APPROVAL OF BILLS FOR SERVICES.

20 § 2941. Election.

21 There shall be one constable for each ward in cities of the
22 second class, second class A and third class; one constable for
23 each ward of a borough which is divided into wards; one
24 constable for each borough which is not divided into wards; one
25 constable for each incorporated town; two constables for each
26 township of the first class; and one constable for each township
27 of the second class. Constables shall be elected for terms of
28 six years.

29 § 2942. Qualifications for office.

30 Each candidate for the office of constable shall be at least

1 18 years of age and shall be a resident of the borough, ward,
2 town or township ~~for~~ FROM which he was elected. A constable <—
3 shall be disqualified from continuing to hold the office if,
4 during his term of office, he becomes a resident of a borough,
5 ward, town or township other than the one ~~for~~ FROM which he was <—
6 elected.

7 § 2943. Vacancies and removal from office.

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

9 (1) Any person convicted of a felony or misdemeanor,
10 except misdemeanors committed under Title 75 (relating to
11 vehicles), shall be disqualified from seeking or holding the
12 office of constable.

13 (2) A constable convicted of a felony or misdemeanor
14 other than a misdemeanor committed under Title 75 shall be
15 suspended from his duties by the president judge having local
16 supervisory authority over such constable upon initial
17 conviction. After all appeals are finally exhausted, the
18 suspension shall result in immediate removal from office if
19 the conviction stands and the resulting vacancy shall be
20 filled pursuant to subsection (b). If the constable is
21 acquitted, the suspension shall be lifted.

22 (3) The courts of common pleas shall develop rules
23 providing for the suspension, discipline or removal of
24 constables. A constable may be removed from office after a
25 hearing in the court of common pleas of the judicial district
26 embracing the district for which the constable is elected or
27 appointed, upon a finding that the constable was incompetent
28 or negligent in the performance of his duties, or that the
29 constable had failed to meet the requirements of this
30 subchapter.

1 (b) Filling of vacancies.--If the office of constable
2 becomes vacant for any reason, the president judge of the
3 judicial district in which the vacancy exists shall appoint a
4 qualified person to fill the vacancy. The person so appointed
5 shall hold office until the first Monday in January after the
6 municipal election occurring more than 60 days after the vacancy
7 occurs, at which election an eligible person shall be elected
8 for the unexpired term.

9 § 2944. Compatible and incompatible offices and activities.

10 (a) Compatible activities.--Nothing in this title or any
11 other statute shall be construed to prohibit a constable from
12 engaging in the following activities:

13 (1) School security duties.

14 (2) Municipal security duties pursuant to the act of
15 January 14, 1952 (1951 P.L.2016, No.561), entitled "An act
16 providing for supplementing the police forces of cities,
17 boroughs, towns and townships, for the appointment, powers
18 and control of auxiliary police therein, and for the transfer
19 during disasters and emergencies of such auxiliary police,
20 members of the regular police forces, and police equipment
21 thereof."

22 (3) Traffic duty at special events.

23 (b) Incompatible offices and activities.--The following
24 offices and activities are incompatible with the office of
25 constable:

26 (1) District attorney.

27 (2) Assistant district attorney.

28 (3) County treasurer.

29 (4) Prothonotary.

30 (5) Clerk of the courts.

- 1 (6) Private detective.
- 2 (7) Police officer except as provided in section 2966
- 3 (relating to police powers in certain municipalities).
- 4 (8) Any other position in the unified judicial system.
- 5 (9) Private collection agent.
- 6 (10) Bail bondsman.
- 7 (11) Sheriff.

8 § 2945. Education and training.

9 (a) Course of instruction.--Constables shall complete a

10 course of training and instruction in the duties of their office

11 as prescribed by the Constable Education Board and shall

12 successfully pass an examination prior to assuming the duties of

13 office if elected or within six months after being elected or

14 upon taking office pursuant to an appointment to fill a vacancy.

15 The board shall make the course of instruction available at

16 times determined by it so as to insure that any constable to be

17 elected or appointed may qualify to assume office as soon as

18 possible. The board shall ~~direct the Administrative Office~~ <—

19 INSTRUCT THE PENNSYLVANIA COMMISSION ON CRIME AND DELINQUENCY to <—

20 conduct the course at such times, at such places and in such

21 manner as it shall prescribe.

22 (b) Admission of interested persons.--In addition to those

23 required by this section to complete the course of training and

24 instruction and successfully pass an examination, any interested

25 person may apply to the board to be enrolled in the course of

26 instruction and take the examination, subject to rules and

27 regulations as the Administrative Office with the approval of

28 the board may determine, which shall include, but not be limited

29 to, a reasonable fee for the instruction or examination which

30 shall be reimbursed by the board if the person is elected or

1 appointed to the office of constable within one year of
2 successful completion of the course.

3 (c) Completion of course.--Upon the successful completion of
4 the course of training, instruction and examination, the
5 Administrative Office shall issue a certificate in the form
6 prescribed by the board, certifying that such person is
7 qualified to perform his duties as required by this subchapter.
8 The certificate shall be filed in the office of the clerk of the
9 court of common pleas of the judicial district in which the
10 constable resides. In the event that an elected or appointed
11 constable fails to obtain and file the certificate in the proper
12 office within six months after his election or appointment, the
13 office of constable shall be deemed vacant and the vacancy
14 filled as provided in section 2943 (relating to vacancies and
15 removal from office).

16 (d) Lethal weapons training.--Constables shall complete a
17 course of training and instruction in the use of firearms as
18 prescribed by the board and shall successfully pass an
19 examination in order to carry or use a firearm in the
20 performance of their duties. The board may waive these
21 requirements or any portion thereof upon the demonstration by
22 the constable that he has taken and successfully completed a
23 comparable training program. The board may, by regulation,
24 require periodic retraining in the use of firearms.

25 (e) Continuing education program.--The board shall develop a
26 course of continuing education for constables. Attendance at the
27 program shall not be required as a condition of holding the
28 office of constable.

29 (f) Cost.--The cost of training and instruction and all
30 other education programs and examinations required by this

1 section shall be paid by the Commonwealth.

2 (g) Regulations.--The Administrative Office shall, with the
3 approval of the board, have the power to promulgate such
4 regulations as are necessary to carry out its duties under this
5 subchapter.

6 § 2946. Deputy constables.

7 (a) Number of deputies.--The Administrative Office shall
8 undertake a study of the current and projected case loads within
9 each judicial district and shall determine the maximum number of
10 deputy constables needed for each judicial district. The
11 Administrative Office shall promulgate regulations establishing
12 the maximum number of deputies which can be appointed in each
13 judicial district. This number shall not be less than the number
14 of constables in each judicial district.

15 (b) Appointment.--A constable may request, upon a
16 demonstration of need, authorization from the president judge
17 having local supervisory authority over such constable to
18 appoint one or more deputies. The number of deputies appointed
19 shall not exceed the number of deputies authorized to be
20 appointed in each judicial district. The president judge shall
21 approve the appointment of deputies AND THEIR ALLOCATION AMONG <—
22 THE MAGISTERIAL DISTRICTS.

23 (c) Qualifications.--A deputy constable shall be subject to
24 the same standards and training required of an elected constable
25 and shall present evidence of having met those requirements
26 prior to his appointment. A deputy so appointed shall be the
27 agent of the constable and shall be regulated or supervised by
28 the constable and removed by him for just cause. The ANY deputy <—
29 may also be suspended, disciplined or removed by the court
30 pursuant to section 2943 (relating to vacancies and removal from

1 office). A SUSPENDED DEPUTY SHALL BE SUBJECT TO THE SUPERVISION <—
2 OF THE PRESIDENT JUDGE DURING THE PERIOD OF SUSPENSION.

3 (d) Powers and duties.--A deputy constable shall have the
4 same powers and duties as a constable except that the deputy may
5 not nominate another deputy for appointment. All civil, criminal
6 and administrative process served by a deputy constable shall be
7 assigned to the deputy by the constable. In no event shall
8 process be directly assigned to a deputy for service without
9 such assignment being approved by the constable.

10 (e) Deputy constables for election.--Notwithstanding the
11 limitations imposed by this section on the appointment of
12 deputies, an elected constable may appoint without court
13 approval one deputy constable per precinct to perform
14 appropriate duties at the polls on election day. Such powers
15 shall only extend to those powers granted constables generally
16 regarding elections and their appointment shall expire at the
17 completion of the counting of the votes. Deputy constables for
18 election day duty shall not be subject to the training
19 requirements provided for in section 2945 (relating to education
20 and training), nor for the bond required by section 2947
21 (relating to bonds).

22 § 2947. Bonds.

23 (a) Filing of bonds.--Every constable and deputy constable
24 shall give a bond to the Commonwealth with a surety approved by
25 the court in an amount not less than \$3,000. This bond shall be
26 filed with the clerk of the court of common pleas of the
27 judicial district embracing the district for which the constable
28 and deputy constable are elected or appointed and shall be
29 conditioned on the just and faithful discharge by the constable
30 and deputy constable of their duties. The bond shall be held for

1 the use and benefit of all persons who may sustain injury from
2 the constable and his deputies in their official capacity by
3 reason of neglect or improper performance of duty.

4 (b) Evidence.--In lieu of such bond, the court may accept
5 satisfactory evidence that the constable possesses a freehold
6 estate in his own right, clear of all encumbrances, with a value
7 of at least \$3,000 or such greater amount as the court may
8 require.

9 ADMINISTRATIVE AND FINANCIAL MATTERS

10 § 2951. Local supervision.

11 The president judge of the court of common pleas of each
12 judicial district shall exercise general supervision and
13 administrative control over constables serving within his
14 judicial district.

15 § 2952. Priority of constable business.

16 A constable shall devote the time necessary for prompt and
17 proper disposition of the business of his office, which shall be
18 given priority over any other occupation, business, profession,
19 pursuit or activity.

20 § 2953. Records.

21 Each constable shall maintain accurate records, on forms
22 prescribed by the Administrative Office, regarding all functions
23 performed by him. Such records shall be open for inspection by
24 the Administrative Office and the president judge of the
25 judicial district and as otherwise provided by law. The
26 Administrative Office shall issue rules prescribing the type and
27 manner of records to be kept.

28 § 2954. Registration and identification cards.

29 Each constable and deputy constable shall be registered and
30 issued an identification card by the Administrative Office.

1 § 2955. Uniforms.

2 A constable may wear a uniform when engaged in the duties of
3 his office. The Administrative Office shall prescribe the
4 specifications for the standardized constable uniform.

5 § 2956. Compensation and expenses generally.

6 (a) Compensation of constables.--Constables shall be
7 compensated for their services and expenses by the payment of
8 fees authorized pursuant to this section and section 2957
9 (relating to fees).

10 (b) Compensation of deputy constables.--Deputy constables
11 shall be compensated for their services in the same amount as
12 elected constables.

13 (c) Payment for travel.--Constables shall be reimbursed at a
14 rate per mile which is equal to the maximum standard mileage
15 rate allowed as a business deduction by the Internal Revenue
16 Service, regardless of the number of miles traveled. Actual
17 mileage traveled shall be computed using the issuing authority's
18 office or the constable's place of business, whichever is less.
19 Constables shall be compensated for other travel expenses not to
20 exceed accountable expenses if travel is by other than motor
21 vehicle.

22 (d) Multiple service of process AND CONVEYANCE OF <—
23 DEFENDANTS.--In criminal and civil cases when multiple processes
24 are served, a constable shall be paid for each process served.
25 The constable shall be paid only one mileage or expense fee,
26 except in those instances in which ~~multiple trips are required~~ <—
27 ~~and approved by the court or the district justice.~~ THE COURT OR <—
28 THE DISTRICT JUSTICE REQUIRES AND APPROVES MULTIPLE TRIPS WHICH
29 ARE IN FACT INCURRED. WHERE MORE THAN ONE DEFENDANT IS CONVEYED
30 SIMULTANEOUSLY, THE CONSTABLE SHALL ONLY BE REIMBURSED FOR THE

1 MILES ACTUALLY TRAVELED. IN NO CASE SHALL THE CONSTABLE BE
2 REIMBURSED FOR THE MILEAGE AS IF EACH DEFENDANT WERE CONVEYED
3 SEPARATELY.

4 (e) Services performed by more than one constable.--When a
5 service is performed by more than one constable or deputy
6 constable, compensation shall be payable as provided by law to
7 each constable or deputy. Each court shall adopt rules requiring
8 prior authorization if a service is to be performed by more than
9 one constable or deputy constable.

10 (f) Payment for services performed.--A constable shall be
11 compensated according to the fees provided in this subchapter by
12 the court within 30 days from the time the court has received
13 payment for the services performed or within 60 days after the
14 performance of service, whichever comes first. If the court
15 suspends the fee for the services performed by the constable,
16 the fee shall be paid by the county.

17 § 2957. Fees.

18 (a) General rule.--Constables shall be compensated for their
19 services and expenses by the payment of fees authorized under
20 this section and section 2956 (relating to compensation and
21 expenses generally). The specified fee shall serve as a minimum
22 fee to be paid for constable service. The courts of common pleas
23 of this Commonwealth may, by local rule previously promulgated
24 or by promulgation of local rules in the future, authorize the
25 payment to constables and deputy constables for additional
26 services or may authorize the payment of higher fees for
27 services contained in this section and section 2956.

28 (b) Civil fees.--The fees paid to constables for their
29 services and expenses in civil cases shall include the
30 following:

1 (1) For serving summons, complaints, notices on suitor
2 or tenant, personally or by leaving copy, \$10 plus \$2.50 for
3 each additional defendant.

4 (2) For serving subpoenas in all cases, \$7.50 for the
5 first witness plus \$2.50 for each additional witness.

6 (3) For executing landlord's warrant, \$7.50.

7 (4) For taking inventory of goods, each item, 5¢.

8 (5) For levying or distraining goods, including schedule
9 of property levied upon and set aside, \$20.

10 (6) For advertising personal property to public sale, \$5
11 PLUS ACTUAL COSTS OF ADVERTISING. <—

12 (7) For appraisalment of landlord's distraint, \$7.50.

13 (8) For posting notice of execution sale or sale on
14 landlord's distraint and advertisement plus actual cost of
15 advertising, \$7.50.

16 (9) For selling goods levied or distrained, \$15.

17 (10) For clerk hired at these sales when necessary, \$20.

18 (11) ~~For~~ WHEN NECESSARY AND ALLOWABLE BY LAW, FOR <—
19 watchman taking charge of property levied on, when necessary,
20 \$20 per day, also reasonable expenses and insurance,
21 arranging goods for sale, heat, light, storage, rent,
22 transportation, feeding livestock and similar expenses
23 incurred in caring for and keeping goods and chattels levied
24 upon, when the expense is necessary and advantageous or when
25 requested by the plaintiff or defendant to incur the expense.

26 (12) For receiving and paying over money paid after a
27 levy without sale, \$5.

28 (13) For bill of sale when demanded, each item 5¢.

29 (14) For putting up notice of distress on the premises,
30 \$1.50.

1 on mittimus or warrants, for each defendant, \$10.

2 (3) For arresting persons guilty of a breach of the
3 peace, riotous or disorderly conduct or drunkenness, or who
4 may be engaged in the commission of any unlawful act tending
5 to imperil the personal security or endanger the property of
6 the citizens or violating any ordinance of any political
7 subdivision for the violation of which a fine or penalty is
8 imposed, or offending or suspected of offending against the
9 laws of this Commonwealth protecting timberlands, for the
10 violation of any other law of this Commonwealth authorizing
11 arrest by constable without process and bringing the offender
12 before a district justice, for each defendant, \$10; and for
13 every act in or about the arrest or commitment of vagrants,
14 \$10 for each vagrant arrested or arrested and committed, and
15 mileage as provided in section 2956.

16 (4) For levying a fine or forfeiture on a warrant, 50¢.

17 (5) For taking the body of a defendant into custody on a
18 warrant where bail is afterwards entered before delivery of
19 body to the jailer, \$5.

20 (6) For executing discharge to jailer, \$10.

21 (7) For executing bail-piece, \$5.

22 (8) For making returns to the court of common pleas,
23 \$2.50.

24 (9) For transporting any prisoner or defendant from
25 another county to an issuing authority for preliminary
26 hearing, arraignment or for other reasons as ordered by the
27 issuing authority, \$25.

28 (10) Reasonable mileage costs, to be paid as provided in
29 section 2956.

30 (d) Services not specifically provided for.--For services

1 not specifically provided for, the same fee may be charged as
2 received for similar services.

3 § 2958. Assessment of fees in certain criminal cases resulting
4 in discharge of the defendant.

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

19 § 2959. Educational fee assessment.

20 ~~An additional \$2 fee~~ THE COURT ADMINISTRATOR MAY ESTABLISH A <—
21 FEE, NOT TO EXCEED \$2 WHICH shall be charged to all persons upon
22 whom a process is successfully served, unless acquitted, which
23 fee shall be transmitted to the General Fund TO BE USED FOR <—
24 TRAINING PURPOSES. This fee shall not be suspended.

25 § 2960. Distribution of process outside the judicial district.

26 A district justice may transfer the service of process for
27 persons or entities residing in another judicial district to the
28 appropriate local district justice in that judicial district, or
29 in the absence of local district justice, to the judicial
30 district for service. In the case of process transferred for

1 service in the first judicial district, the district justice
2 shall transfer the process to the president judge of the
3 municipal court for distribution for service.

4 POWERS AND DUTIES

5 § 2965. Service of process.

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

9 (b) Governing authority to promulgate rules.--The governing
10 authority shall promulgate procedural rules governing constables
11 relating to the service of process issued by the courts of
12 common pleas and district justices and the service of process by
13 mail.

14 (c) Civil and administrative process.--A constable is
15 authorized to serve civil and administrative process within this
16 Commonwealth.

17 (d) Criminal process.--A constable is authorized to serve
18 criminal process anywhere in this Commonwealth.

19 § 2966. Police powers in certain municipalities.

20 (a) General rule.--Any municipality may formally appoint as
21 a police officer the appropriate constable or constables or
22 their deputies as otherwise provided by law. When a constable or
23 deputy constable is acting pursuant to an appointment, he shall
24 have all powers provided by law.

25 (b) Certification required.--No constable or deputy
26 constable shall perform police duties pursuant to this section
27 unless he has met all of the requirements established by the
28 Municipal Police Officers' Education and Training Commission and
29 has been duly certified as having met those requirements by the
30 Commissioner of the Pennsylvania State Police pursuant to the

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

3 § 2967. Transportation of prisoners and others.

4 Constables shall have the authority when directed by a
5 district justice or a court to transport prisoners, mental
6 patients and any other persons as the court may direct. Any
7 constable directed to transport prisoners or mental patients may
8 secure the assistance of another constable to aid him.

9 Constables rendering the assistance shall be paid at a rate
10 equal to the constable to whom the assistance is rendered.

11 § 2968. Protection of district justice.

12 Upon the request of and a showing of just cause by the
13 district justice to the court in whose magisterial district the
14 constable serves, and subject to the approval of the president
15 judge of the judicial district, a constable shall provide
16 personal protection to the district justice while the district
17 justice is performing his duties.

18 § 2969. Election day powers.

19 A constable shall have the duty, obligation and authority to
20 be present at the polling place in each election district of a
21 borough, town, township or ward at each primary and general
22 election during the continuance thereof, and while the votes are
23 being counted, for the purpose of preserving the peace, and
24 shall serve at all elections for which services the constable
25 shall receive the same compensation payable to inspectors and
26 clerks as provided for by the act of June 3, 1937 (P.L.1333,
27 No.320), known as the Pennsylvania Election Code, which shall be
28 paid by the county. No constable, whether in uniform or in
29 civilian clothes, shall be within 100 feet of the polling place
30 during the conduct of any primary or election, unless in the

1 exercise of his privilege of voting, for the purpose of serving
2 warrants or unless called upon to preserve the peace or unless
3 otherwise engaged in the performance of his official duties. In
4 no event may any constable CARRY A FIREARM WHILE PERFORMING HIS <—
5 DUTIES UNDER THIS SECTION; NOR MAY HE unlawfully use or practice
6 any intimidation, threats, force or violence nor in any manner
7 unduly influence any elector or prevent him from voting or
8 restrain his freedom of choice; nor may any constable
9 electioneer or directly or indirectly attempt to influence the
10 election or electors while on duty at the election polls.

11 § 2970. Acceptance of security.

12 A constable is authorized to accept security for a
13 defendant's appearance before a district justice in summary
14 cases.

15 § 2971. Additional powers and duties.

16 A constable may exercise any other power and duty provided by
17 law.

18 § 2972. Recovery of certain vehicle registration cards and
19 plates and licenses.

20 A constable may recover expired, suspended or revoked vehicle
21 registration cards and plates and licenses upon request of the
22 Department of Transportation. The department shall adopt
23 regulations providing for recovery of these items by constables
24 and shall establish a fee to be paid by the department to the
25 constable for the performance of these services.

26 § 2973. CONSTABLES' RETURNS. <—

27 THE RETURNS REQUIRED BY LAW TO BE MADE BY CONSTABLES TO THE
28 COURT MAY IN THE DISCRETION OF THE COURT BE ABOLISHED OR BE MADE
29 AT SUCH TIMES AND RELATING TO SUCH SUBJECTS AS THE COURT MAY
30 REQUIRE. NO CONSTABLE SHALL BE ENTITLED TO ANY FEES OR MILEAGE

1 FOR MAKING ANY SUCH RETURN, EXCEPT AS ARE REQUIRED BY THE COURT.

2 § 2974. RETURN OF SUBPOENAS.

3 WHENEVER A CONSTABLE WHO HAS SERVED SUBPOENAS ISSUED BY THE
4 DISTRICT ATTORNEY FOR ANY TERM OF COURT SHALL MAKE RETURN
5 THEREOF AS REQUIRED BY LAW, HE SHALL BE REQUIRED TO RETURN ALL
6 SUBPOENAS, RECEIVED WITHIN A REASONABLE TIME PRIOR TO SUCH
7 RETURN DAY, AT ONE AND THE SAME TIME; AND IN MAKING SUCH RETURN
8 OF SUBPOENAS HE SHALL RECEIVE MILEAGE ONLY FOR TRIPS ACTUALLY
9 AND NECESSARILY MADE IN RETURNING SUCH SUBPOENAS AND NOT MILEAGE
10 ON EACH SEPARATE SUBPOENA RETURNED. IN ORDER TO CARRY INTO
11 EFFECT THE PROVISIONS OF THIS SECTION, THE DISTRICT ATTORNEY IN
12 ISSUING SUBPOENAS SHALL, SO FAR AS CONVENIENTLY MAY BE, MAIL OR
13 CAUSE TO BE DELIVERED SUBPOENAS GOING TO THE SAME CONSTABLE FOR
14 A TERM OF COURT AT ONE AND THE SAME TIME.

15 § 2975. APPROVAL OF BILLS FOR SERVICES.

16 NO CONSTABLE RETURNING SUBPOENAS ISSUED BY THE DISTRICT
17 ATTORNEY SHALL RECEIVE PAYMENT FOR SUCH SERVICE UNLESS HIS BILL
18 IS APPROVED BY THE COUNTY CONTROLLER, AND, WHERE THERE IS NO
19 CONTROLLER, BY THE DISTRICT ATTORNEY WHOSE DUTY IT SHALL BE TO
20 ENFORCE THE PROVISIONS OF SECTION 2974 (RELATING TO RETURN OF
21 SUBPOENAS).

22 Section 5. (a) The following acts and parts of acts are
23 repealed:

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

27 Sections 12 and 19 of the act of March 20, 1810 (P.L.208,
28 No.132), entitled "An act to amend and consolidate with its
29 Supplements the Act entitled 'An act for the recovery of debts
30 and demands, not exceeding one hundred dollars, before a Justice

1 of the Peace, and for the election of Constables, and for other
2 purposes.'" "

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

6 Act of April 24, 1829 (P.L.369, No.216), entitled "A further
7 supplement to the act entitled An act to amend and consolidate
8 with its supplements, the act entitled An act for the recovery
9 of debts and demands not exceeding one hundred dollars before a
10 justice of the peace, and for the election of constables, and
11 for other purposes."

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

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

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

1 to the rights of married women; to ground rents; and relating to
2 foreign insurance companies."

3 Act of February 14, 1889 (P.L.6, No.5), entitled "An act to
4 authorize the election of constables for three years."

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

8 Act of June 4, 1897 (P.L.121, No.101), entitled "An act
9 relating to boroughs, providing a method of procedure for
10 violations of law and borough ordinances, and for the collection
11 of the fines and penalties imposed for said violations."

12 Act of July 14, 1897 (P.L.266, No.209), entitled "An act to
13 regulate the remuneration of policemen and constables employed
14 as policemen throughout the Commonwealth of Pennsylvania, and
15 prohibiting them from charging or accepting any fee or other
16 compensation, in addition to their salary, except as public
17 rewards and mileage for traveling expenses."

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

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

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

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

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

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

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

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

15 Section 14 of the act of June 28, 1923 (P.L.903, No.348),
16 entitled "A supplement to an act, approved the fourteenth day of
17 May, one thousand nine hundred and fifteen (Pamphlet Laws, three
18 hundred and twelve), entitled 'An act providing a system for
19 government of boroughs, and revising, amending, and
20 consolidating the law relating to boroughs'; so as to provide a
21 system of government where a borough now has annexed or
22 hereafter shall annex land in an adjoining county, including
23 assessment of property, levying and collection of taxes, making
24 municipal improvements, and filing and collecting of liens for
25 the same; the jurisdiction of courts for the enforcement of
26 borough ordinances and State laws, and primary, general,
27 municipal, and special elections; and repealing inconsistent
28 laws."

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

1 cases."

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

6 ACT OF FEBRUARY 28, 1933 (P.L.5, NO.3), ENTITLED "AN ACT
7 RELATING TO CONSTABLES' RETURNS TO THE COURT OF QUARTER
8 SESSIONS."

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9 ACT OF JULY 9, 1935 (P.L.621, NO.219), ENTITLED "AN ACT
10 LIMITING THE MILEAGE COST FOR RETURN OF SUBPOENAS IN CRIMINAL
11 CASES TO THE TRIPS ACTUALLY MADE, AND IMPOSING CERTAIN DUTIES ON
12 CONTROLLERS AND DISTRICT ATTORNEYS."

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

17 Act of April 3, 1956 (1955 P.L.1382, No.441), entitled "An
18 act making the offices of constable and justice of the peace or
19 alderman incompatible."

20 Section 1126 of the act of February 1, 1966 (1965 P.L.1656,
21 No.581), known as The Borough Code.

22 (b) The following acts and parts of acts are repealed
23 insofar as they relate to constables and deputy constables:

24 Sections 3 and 7 of the act of March 4, 1824 (P.L.32, Ch.31),
25 entitled "A supplement to the act entitled 'An act laying a duty
26 on the retailers of Foreign Merchandise.'"

27 Section 9 of the act of April 7, 1830 (P.L.387, No.193),
28 entitled "An act graduating the duties upon wholesale dealers
29 and retailers of merchandise, and prescribing the mode of
30 issuing licenses and collecting said duties."

1 Section 23 of the act of May 3, 1850 (P.L.666, No.390),
2 entitled "An act regulating the municipal and other elections in
3 the city of Philadelphia, and to establish an uniform system of
4 police for the city of Philadelphia and the districts of
5 Southwark, Moyamensing, Spring Garden, Penn Township, the
6 incorporated Northern Liberties and Kensington."

7 Section 17 of the act of April 3, 1851 (P.L.320, No.218),
8 entitled "An act regulating boroughs."

9 Act of April 21, 1855 (P.L.283, No.297), entitled "An act
10 establishing Fees for Commitments to Houses of Refuge."

11 Act of March 12, 1866 (P.L.182, No.154), entitled "An act
12 relative to duties and powers of constables and railroad
13 conductors, in the counties of Erie, Crawford, Luzerne,
14 Susquehanna and Pike."

15 Act of May 3, 1876 (P.L.99, No.67), entitled "An act
16 regulating procedure for violation of ordinances of cities of
17 the first class."

18 Act of May 10, 1878 (P.L.51, No.72), entitled "A supplement
19 to an act, entitled 'An act to prescribe the manner in which the
20 courts may divide boroughs into wards,' approved the fourteenth
21 day of May, Anno Domini one thousand eight hundred and seventy-
22 four."

23 Act of April 24, 1885 (P.L.9, No.11), entitled "An act to
24 amend an act, entitled 'An act to provide for the destruction,
25 and to prevent the spread of Canada thistles,' approved the
26 twenty-second day of March, Anno Domini one thousand eight
27 hundred and sixty-two."

28 Act of February 12, 1889 (P.L.3, No.1), entitled "An act to
29 provide for the commencement of the terms of office of
30 councilmen, constables and school directors in new wards, when

1 erected in cities of the first class under existing laws and
2 where the several wards constitute separate school districts, to
3 provide for the supervision of the public schools in such new
4 wards until the organization of the board of school directors of
5 the new school section, and to provide for the term of
6 councilmen and constables already elected by the voters of the
7 old ward."

8 Act of June 3, 1919 (P.L.369, No.180), entitled "An act
9 providing for the appointment by the district attorney, in
10 counties having a population of over one million five hundred
11 thousand inhabitants, of a chief county detective, an assistant
12 chief county detective, and special county detectives; defining
13 their duties; defining their authority; fixing their salaries,
14 and authorizing the payment of the same, together with the
15 necessary traveling expenses, by the county."

16 Section 4 of the act of May 11, 1927 (P.L.968, No.461),
17 entitled "An act to provide for the licensing and regulation of
18 public dance halls and ballrooms, and for the regulation and
19 supervision of public dances and balls, in townships."

20 Section 6. (a) Notwithstanding the provisions of 42 Pa.C.S.
21 § 2162(b) (relating to terms of office), the initial appointees
22 to the Constable Education Board shall serve the following
23 terms:

24 (1) Three members for two years.

25 (2) Three members for four years.

26 (3) Three members for six years.

27 (b) The Governor shall designate the length of the term of
28 office for each of the initial appointees to the board.

29 Section 7. This act shall take effect in 60 days.