

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1066

Session of
1979

INTRODUCED BY MESSRS. W. D. HUTCHINSON, CIMINI, EARLEY, MUSTO,
ZELLER, NOYE, McKELVEY, THOMAS, E. H. SMITH, ALDEN,
E. R. LYNCH, SIEMINSKI, WEIDNER, DiCARLO, KUKOVICH AND
WACHOB, APRIL 25, 1979

AS REPORTED FROM COMMITTEE ON APPROPRIATIONS, HOUSE OF
REPRESENTATIVES, AS AMENDED, JUNE 6, 1979

AN ACT

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

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

6 Section 1. The definition of "officer enforcing orders" in
7 section 102 of Title 42, act of November 25, 1970 (P.L.707,
8 No.230), ~~added April 28, 1978 (P.L.202, No.53),~~ is amended and <—
9 ~~definitions are~~ A DEFINITION IS added to read: <—

10 § 102. Definitions.

11 Subject to additional definitions contained in subsequent
12 provisions of this title which are applicable to specific
13 provisions of this title, the following words and phrases when
14 used in this title shall have, unless the context clearly
15 indicates otherwise, the meanings given to them in this section:

16 * * *

17 "District constable." A district constable elected or

1 appointed pursuant to Subchapter C of Chapter 29 (relating to
2 constables).

3 * * *

4 "Officer enforcing orders." Includes:

5 (1) A recorder of deeds when the order affects the
6 ownership of an interest in property described or describable
7 by a document which has been or may be filed or recorded in
8 his office, or relates to the indexing of documents filed or
9 recorded in his office.

10 (2) A register of wills.

11 (3) A sheriff.

12 (4) A district constable.

13 * * *

14 Section 2. Title 42 is amended by adding a section to read:

15 § 1904. District Constable Administrator of Pennsylvania.

16 The Supreme Court shall appoint and may remove a District
17 Constable Administrator of Pennsylvania within the
18 Administrative Office of Pennsylvania Courts.

19 Section 3. Chapter 21 of Title 42 is amended by adding a
20 Subchapter to read:

21 CHAPTER 21

22 JUDICIAL BOARDS AND COMMISSIONS

23 * * *

24 SUBCHAPTER F

25 DISTRICT CONSTABLE EDUCATION BOARD

26 Sec.

27 2151. District Constable Education Board.

28 2152. Composition of board.

29 2153. Organization.

30 2154. Staff.

1 2155. Powers and duties.

2 § 2151. District Constable Education Board.

3 (a) General rule.--The District Constable Education Board
4 shall consist of seven members selected as provided in this
5 subchapter.

6 (b) Seal.--The District Constable Education Board shall have
7 a seal engraved with its name and such other inscription as may
8 be specified by general rule. A facsimile or preprinted seal may
9 be used for all purposes in lieu of the original seal.

10 § 2152. Composition of board.

11 (a) General rule.--The District Constable Education Board
12 shall consist of the following members appointed by the Governor
13 with the consent of a majority of the members elected to the
14 Senate:

15 (1) Three persons who shall be district constables.

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

17 (3) Three other persons.

18 (b) Terms of office.--The members of the board shall serve
19 for terms of five years and until a successor has been appointed
20 and qualified. A vacancy on the board shall be filled for the
21 balance of the term.

22 (c) Compensation.--Members of the board shall be paid \$50
23 for each day or part thereof upon which such member attends a
24 board meeting or performs any duty assigned by the chairman.
25 Members shall be reimbursed for reasonable traveling and other
26 accountable expenses incurred incident to such attendance and
27 assigned duty.

28 § 2153. Organization.

29 Annually the District Constable Education Board shall elect a
30 chairman and other officers of the board, who shall hold office

1 at the pleasure of the board. The board shall act only with the
2 concurrence of a majority of its members.

3 § 2154. Staff.

4 The administrative office shall serve as the administrative
5 officer of the board and as such shall provide such staff
6 assistance as the District Constable Education Board may
7 require.

8 § 2155. Powers and duties.

9 The District Constable Education Board shall exercise the
10 powers and perform the duties vested in and imposed upon the
11 board by Subchapter C of Chapter 29 (relating to district
12 constables) and any other powers and duties vested in and
13 imposed upon the board by law.

14 Section 4. Subchapter C of Chapter 29 of Title 42 is amended
15 by adding sections to read:

16 CHAPTER 29

17 OFFICERS SERVING PROCESS AND ENFORCING ORDERS

18 * * *

19 SUBCHAPTER C

20 DISTRICT CONSTABLES

21 Sec.

22 2941. Election.

23 2942. Qualifications for office.

24 2943. Vacancies.

25 2944. Compatible and incompatible offices and activities.

26 2945. Education and training.

27 2946. Deputy district constables.

28 2947. Bonds.

29 ADMINISTRATIVE AND FINANCIAL MATTERS

30 2951. Local administrator.

1 2952. Priority of district constable business.

2 2953. Policies and procedures relating to fees.

3 2954. Records.

4 2955. Registration and identification cards.

5 2956. Uniforms.

6 2957. Compensation and expenses generally.

7 2958. Specific fees.

8 2959. FEE ASSESSMENT.

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9 ~~2959.~~ 2960. Distribution of process outside the judicial
10 district.

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11 POWERS AND DUTIES

12 2965. Service of process.

13 2966. Police powers in certain municipalities.

14 2967. Transportation of prisoners and mental patients.

15 2968. Protection of district justice.

16 2969. Election day powers.

17 2970. Acceptance of security.

18 2971. Unlawful acts relative to district constables.

19 2972. Recovery of certain vehicle ~~registrations~~

<—

20 REGISTRATION CARDS AND PLATES and licenses.

<—

21 2973. Power to carry and use a firearm.

22 DISTRICT CONSTABLES

23 § 2941. Election.

24 There shall be one district constable elected for a term of
25 six years ~~for~~ FROM each magisterial district. The provisions of
26 this title relating to district constables shall apply
27 throughout the Commonwealth except in the first judicial
28 district.

<—

29 § 2942. Qualifications for office.

30 (a) General requirements.--Each candidate for the office of

1 district constable shall be at least 18 years of age and shall
2 be a resident of the magisterial district for which he is
3 elected.

4 (b) Physical and mental examination.--Every district
5 constable shall pass a physical and mental examination prior to
6 receiving his commission. The standards for such examination
7 shall be set by the District Constable Education Board.

8 § 2943. Vacancies.

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

10 (1) Any person convicted of a felony or misdemeanor
11 shall be disqualified from seeking or holding the office of
12 district constable.

13 (2) Any district constable convicted of a felony or
14 misdemeanor while in office shall be suspended from his
15 duties upon initial conviction. After all appeals are finally
16 exhausted, the suspension shall result in immediate removal
17 from office if the conviction stands and the resulting
18 vacancy shall be filled pursuant to subsection (b). If the
19 district constable is acquitted, the suspension shall be
20 lifted.

21 (3) Any district constable may be removed from office by
22 the president judge after a hearing if found to be
23 incompetent or negligent in performance of his duties
24 including, but not limited to, refusal to serve process
25 within a reasonable time for the district justice in his
26 district.

27 (b) Filling of vacancies.--If the office of district
28 constable becomes vacant for any reason, the district magistrate
29 of the magisterial district in which the vacancy exists shall
30 appoint, with the approval of the president judge of the

1 judicial district, a qualified person to fill the vacancy giving
2 first consideration to the deputy district constables in the
3 district. The person so appointed shall hold office until the
4 first Monday in January after the municipal election occurring
5 more than 60 days after the vacancy first occurs, at which
6 election an eligible person shall be elected for the unexpired
7 term.

8 § 2944. Compatible and incompatible offices and activities.

9 (a) Compatible activities.--Nothing in this title or any
10 other act shall be construed to prohibit a district constable as
11 a private citizen from engaging in the following activities if
12 he so elects:

13 (1) School security duties.

14 (2) Municipal security duties.

15 (3) Traffic duty at special events.

16 (b) Incompatible offices and activities.--The following
17 offices and activities are incompatible with the office of
18 district constable:

19 (1) District attorney.

20 (2) Assistant district attorney.

21 (3) Sheriff.

22 (4) Deputy sheriff.

23 (5) County treasurer.

24 (6) Any election officer.

25 (7) Any officer of a political party.

26 (8) Private detective.

27 (9) Police officer except as provided in section 2966
28 (relating to police powers in certain municipalities).

29 (10) Any other position in the unified judicial system.

30 (11) Private collection agent.

1 (12) Bail bondsman.

2 (13) Constable.

3 § 2945. Education and training.

4 (a) Course of instruction.--District constables shall
5 complete a course of training and instruction in the duties of
6 their office as prescribed by the District Constable Education
7 Board and shall successfully pass an examination prior to
8 assuming the duties of office if elected or within nine months
9 after being elected or upon taking office pursuant to an
10 appointment to fill a vacancy. The administrative office shall
11 make the course of instruction available at such times as
12 determined by it and the board, so as to insure that any
13 district constable, to be elected or appointed may qualify to
14 assume office as soon as possible. By regulation the board shall
15 direct the administrative office to conduct the course at such
16 time, at such places and in such manner as it shall prescribe.
17 In addition to those required by this section to complete the
18 course of training and instruction and successfully pass an
19 examination, any interested person may apply to the
20 administrative office to be enrolled in the course of
21 instruction and take the examination, subject to such rules and
22 regulations as the office with the approval of the board may
23 determine, which shall include but not be limited to a
24 reasonable fee for the instruction or examination which shall be
25 reimbursed if the person is elected or appointed to the office
26 of district constable within a year of successful completion of
27 the course.

28 (b) Rules and regulations.--The Administrative Office of
29 Pennsylvania Courts shall, with the approval of the board, have
30 the power to promulgate such rules and regulations as are

1 necessary to carry out its duties under this act.

2 (c) Completion of course.--Upon the successful completion of
3 the course of training and instruction and examination, the
4 administrative office shall issue a certificate in the form
5 prescribed by the board, certifying that such person is
6 qualified to perform his duties as required by this title. Such
7 certificate shall be filed in the office of the prothonotary of
8 the county in which the district constable resides. In the event
9 that an elected or appointed district constable fails to obtain
10 and file such certificate in the proper prothonotary's office
11 within nine months after his election or appointment, said
12 office of district constable shall be vacant, such vacancy to be
13 filled as provided in section 2943 (relating to vacancies).

14 (d) Firearms training.--

15 (1) District constables shall complete a course of
16 training and instruction in the use of firearms as prescribed
17 by the board and shall successfully pass an examination
18 within one year after the election or appointment in order to
19 carry or use a firearm in the performance of their duties.
20 The district constable may carry and use a firearm during the
21 one year period while involved in the course of instruction
22 upon receipt of written approval of the president judge of
23 the judicial district.

24 (2) The course of instruction shall include at least 35
25 hours of training provided by the State Police OR AT A SCHOOL <—
26 CERTIFIED BY THE STATE POLICE FOR SUCH PURPOSES consistent
27 with the training program provided under the act of October
28 10, 1974 (P.L.705, No.235), known as the "Lethal Weapons
29 Training Act."

30 (3) The administrative office may waive these

1 requirements or any portion thereof upon the demonstration by
2 the district constable that he has taken and successfully
3 completed a comparable training program.

4 (4) District constables shall complete a continuing
5 firearms education program as prescribed by the board.

6 (e) Continuing education requirement.--District constables
7 shall complete a continuing education program as jointly
8 prescribed by the board and the administrative office.

9 (f) Costs.--The cost of training and instruction and all
10 other education programs and examinations required by this
11 section, notwithstanding subsection (a) shall be paid by the
12 Commonwealth.

13 § 2946. Deputy district constables.

14 (a) Appointment.--The district constable may request, upon a
15 demonstration of need, authorization from the president judge to
16 appoint up to four deputies. The district constable may appoint
17 such deputies with the approval of the president judge.

18 (b) Qualifications.--A deputy district constable shall be
19 subject to the same standards required of an elected district
20 constable and shall present evidence of having met those
21 requirements prior to receiving his commission. A deputy so
22 appointed shall be the agent of the district constable and shall
23 be regulated and supervised by the district constable and
24 removal by him for just cause.

25 (c) Powers and duties.--A deputy district constable shall
26 have the same powers and duties as a district constable except
27 that the deputy may not appoint another deputy nor may he
28 exercise the powers authorized in section 2966 (relating to
29 police powers in certain municipalities).

30 (d) Deputy constables for election.--Notwithstanding the

1 limitations imposed by this section on the appointment of
2 deputies, at the request of the county board of elections a
3 district constable may appoint without court approval one
4 special deputy district constable per precinct to perform
5 appropriate duties at the polls on election day. Such special
6 deputies powers shall only extend to those powers granted
7 district constables generally regarding elections and their
8 appointment shall expire at the completion of the counting of
9 the votes. Special deputy district constables for election day
10 duty shall not be subject to the training requirements provided
11 for in section 2945 (relating to education and training).

12 § 2947. Bonds.

13 Each district constable shall give bond to the Commonwealth
14 with a surety approved by the administrative office in the
15 amount determined by the president judge. Such bond shall be
16 filed with the local clerk of court and shall be conditioned on
17 the just and faithful discharge by the district constable and
18 deputy district constable of the duties of his office. Such bond
19 shall be held in trust for the use and benefit of all persons
20 who may sustain injury from him in his official capacity by
21 reason of neglect of duty. Such bond shall be paid for by the
22 county.

23 ADMINISTRATIVE AND FINANCIAL MATTERS

24 § 2951. Local administrator.

25 (a) The president judge of each judicial district may
26 appoint or direct a suitable person, who may be a district
27 constable, to serve as local administrator of the district
28 constable system within the judicial district.

29 (b) In addition, the president judge of each judicial
30 district may establish a central office for district constables

1 to provide for the efficient and equitable distribution of work.

2 § 2952. Priority of district constable business.

3 A district constable shall devote the time necessary for
4 prompt and proper disposition of the business of his office,
5 which should be given priority over any other occupation,
6 business, profession, pursuit or activity.

7 § 2953. Policies and procedures relating to fees.

8 The District constable Administrator of Pennsylvania shall
9 establish policies and procedures for the collection and payment
10 of district constable's fees. Such procedures shall include but
11 not be limited to providing adequate auditing and accounting
12 procedures as to fines, costs and fees paid to and collected by
13 district justices, district constables and deputy district
14 constables. Fees shall be as provided in section 2957 (relating
15 to compensation and expenses generally).

16 § 2954. Records.

17 Each district constable shall maintain accurate records
18 regarding all the functions performed by him and his deputies.
19 Such records shall be open for inspection by the district
20 constable administrator and the president judge and local
21 administrator of the judicial district and as otherwise provided
22 by law. The district constable administrator shall issue rules
23 prescribing the type and manner of records to be kept.

24 § 2955. Registration and identification cards.

25 Each district constable and deputy district constable shall
26 be registered and issued an identification card by the district
27 constable administrator.

28 § 2956. Uniforms.

29 A district constable may wear a uniform when engaged in the
30 duties of his office; however, no district constable shall wear

1 his uniform when acting in a private capacity. The district
2 constable administrator shall prescribe the specifications for
3 the standardized district constable uniform.

4 § 2957. Compensation and expenses generally.

5 (a) Compensation of district constables.--District
6 constables shall be compensated for their services by the
7 payment of fees authorized pursuant to this section and section
8 2958 (relating to specific fees).

9 (b) Compensation of deputy district constables.--Deputy
10 district constables shall be compensated for their services
11 pursuant to agreements made with the district constable. The
12 district constable shall be entitled to receive all fees payable
13 as a result of his deputies' services and such district
14 constable shall be responsible for the payment of compensation
15 to his deputy pursuant to their agreement. The district
16 constable shall compensate the deputy not less than 75% of the
17 fee collected for the services performed. Compensation payable
18 to the deputy shall be paid to him within the month following
19 the payment to the district constable for the service performed.

20 (c) Form of payment.--District constables are authorized to
21 accept cash, check or money order in payment for their services.
22 A receipt shall be provided for any payment received.

23 (d) Additional hourly compensation.--In addition to the fees
24 authorized in section 2958 for specific services, the district
25 constable administrator may promulgate rules authorizing payment
26 to district constables at an hourly rate not to exceed \$7.50 per
27 hour for designated services and functions not otherwise covered
28 but otherwise provided for in this title.

29 (e) Payment for travel.--

30 (1) District constables shall be compensated a minimum

1 fee of \$1.70 for mileage or for actual mileage traveled at
2 the rate of 17¢ per mile, whichever is greater. Actual
3 mileage traveled shall be computed using the district
4 justice's office as the starting point and computing the
5 distance from the prescribed office to the first stop made by
6 the district constable and by adding the distance from the
7 first stop to the second stop and so forth to all subsequent
8 stops. The ending point shall be the district justice's
9 office.

10 (2) District constables shall be compensated for other
11 travel expenses not to exceed accountable expenses if travel
12 is by means other than motor vehicle.

13 (f) Multiple service of process.--In criminal and civil
14 cases when multiple processes are served, a district constable
15 shall be paid for each process served even though service may be
16 performed at one time. The district constable shall be paid only
17 one mileage or expense fee, except in those instances when
18 multiple trips are required and approved.

19 (g) Services performed by more than one district
20 constable.--When a service is performed by more than one
21 district constable or deputy district constable under
22 authorization of the president judge or the local administrator,
23 compensation shall be payable as provided in section 2958.

24 (h) Service of process by mail.--When service of process is
25 authorized by mail, the costs of postage shall be imposed upon
26 the party instituting the proceedings. Such costs shall be
27 recoverable as other costs.

28 (i) Payment for services performed.--A district constable
29 shall be compensated according to the fees provided for in this
30 title by the court within 30 days from the time the court has

1 received payment for the service performed. Neither the
2 governing authority nor any court or district justice shall
3 suspend the fee for the service performed by the district
4 constable and in cases where the fee is not collected within 90
5 days of the service it shall be paid by the county.

6 § 2958. Specific fees.

7 The fees to be charged and received by district constables
8 shall be as follows:

9 (1) The sum of \$12 for any of the following:

10 (i) Each warrant or writ executed on behalf of the
11 Commonwealth or a political subdivision thereof.

12 (ii) Taking the defendant before the district
13 justice for purposes of making bail.

14 (iii) Taking defendant before issuing authority
15 where defendant does not have money to pay, or no fine or
16 costs are stated on warrant or for arraignment.

17 (iv) Conveying defendants to jail on mittimus or
18 warrants or order of judiciary or because judiciary is
19 not available.

20 (v) Taking defendant before the district justice
21 from prison or lock-up.

22 (vi) For serving order of possession.

23 (vii) For executing a search warrant and making
24 return.

25 (2) The sum of \$6 for the performance of any of the
26 following services:

27 (i) For executing discharge to jailer.

28 (ii) For accepting security or bail in a summary
29 case unless given at the time of and in connection with
30 the service of a warrant.

(iii) For recovery of an expired, suspended or
revoked vehicle registration or license.

(3) The amount stated for the following services:

(i) For transporting a prisoner from another
judicial district to the issuing authority within the
district constable's judicial district for hearing or
arraignment, the sum of \$20 per district constable if
within 50 miles or \$50 per district constable if over 50
miles.

(ii) For appearance as a witness at a hearing on a
summary citation or a misdemeanor case.

(iii) For appearance in court when subpoenaed or
summoned, the sum of \$7.50 per hour or fraction thereof,
with a minimum of one hour.

(iv) For service of an order of execution, the sum
of \$7.50.

(v) In those instances where a service is performed
by more than one district constable or with the
assistance of deputies each person shall be compensated
at the fee provided for that service.

(vi) For serving subpoena, in all cases, or
judiciary notice to hearing in any civil case, the sum of
\$6 for the first witness or defendant, plus \$2 for each
additional witness or defendant at the same address.

(vii) For levying goods, including schedule of
property levied upon and set aside each address, the sum
of \$20.

(viii) For posting notice of levy each address
levied, \$5 per notice, no more than three notices.

(ix) For posting sale notice, each notice \$5, a

1 maximum not to exceed \$10.

2 (x) For advertising sale of personal property of
3 defendant by posting of handbills, the sum of \$5.

4 (xi) For clerk at sale, the sum of \$15.

5 (xii) For holding sale, 3% on all proceeds or \$20,
6 whichever is greater.

7 (xiii) For forcible ejectment on order of
8 possession, the sum of \$30.

9 (xiv) For making return of not found on any process
10 which shall be certified by the district constable or
11 deputy district constable, the sum of \$2.

12 (xv) For transporting mental patients within the
13 judicial district the sum of \$10, or if outside the
14 judicial district, the sum of \$20.

15 § 2959. Fee assessment.

16 An additional \$1 fee shall be charged to all persons on whom
17 a process is successfully served, unless acquitted, which fee
18 shall be transmitted to the Commonwealth's General Fund. This
19 fee shall not be suspended.

20 § 2960. Distribution of process outside the judicial district.

21 A district justice may transfer the service of process for
22 persons or entities residing in another judicial district to the
23 appropriate local district constable administrator, or in the
24 absence of a local district constable administrator, to the
25 appropriate district constable for service. In the case of
26 process transferred for service in the first judicial district,
27 the district justice would transfer the process to the president
28 judge of the traffic court for distribution for service.

29 POWERS AND DUTIES

30 § 2965. Service of process.

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

5 (b) Supreme Court to promulgate rules.--The Supreme Court
6 shall promulgate procedural rules relating to the service of
7 process issued by the court of common pleas and district
8 justices and the service of process by mail.

9 (c) Civil and administrative process.--A district constable
10 is authorized to serve civil and administrative process within
11 the judicial district in which he is elected or appointed
12 regardless of whether or not the process emanates from his own
13 judicial district.

14 (d) Criminal process.--A district constable is authorized to
15 serve criminal process anywhere in this Commonwealth when the
16 process is issued from his judicial district. A district
17 constable is authorized to serve any criminal process within his
18 judicial district no matter where such process was originally
19 issued.

20 § 2966. Police powers in certain municipalities.

21 (a) General rule.--Any municipality that has no organized
22 municipal police force may formally appoint as a police officer
23 the appropriate district constable or district constables as
24 otherwise provided by law. When a district constable is acting
25 pursuant to such appointment, he shall have all the powers and
26 be subject to the same restraints as a policeman would have in
27 the municipality if it had an organized police force.

28 (b) Certification required.--No district constable shall
29 perform police duties pursuant to this section unless such
30 district constable has been certified pursuant to the act of

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

3 § 2967. Transportation of prisoners and mental patients.

4 District constables shall have the authority when directed by
5 a district justice or a court to transport prisoners and mental
6 patients.

7 § 2968. Protection of district justice.

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

15 § 2969. Election day powers.

16 Upon request by the county board of elections a district
17 constable shall have the duty, obligation and authority to be
18 present at the polling place in each election district of such
19 borough, township or ward at each primary and election during
20 the continuance thereof, and while the votes are being counted,
21 for the purpose of preserving the peace, and shall serve at all
22 elections for which services the said district constable shall
23 receive the same compensation payable to inspectors and clerks
24 as provided for by the act of June 3, 1937 (P.L.1337, No.320),
25 known as the "Pennsylvania Election Code," which shall be paid
26 by the county. No district constable in commission, whether in
27 uniform or in citizens clothes, shall be within 100 feet of the
28 polling place during the conduct of any primary or election,
29 unless in the exercise of his privilege of voting, for the
30 purpose of serving warrants or unless called upon to preserve

1 the peace. In no event may any district constable unlawfully use
2 or practice any intimidation, threats, force or violence nor in
3 any manner, unduly influence any elector or prevent him from
4 voting or restrain his freedom of choice, nor may any such
5 district constable electioneer or directly or indirectly attempt
6 to influence the election or electors while on duty at the
7 election polls.

8 § 2970. Acceptance of security.

9 A district constable is authorized to accept security for a
10 defendant's appearance before a district justice in summary
11 cases.

12 § 2971. Unlawful acts relative to district constables.

13 Any person who knowingly, willfully and forcibly obstructs,
14 resists or opposes any district constable in serving or
15 attempting to serve or execute any legal process or order; or in
16 making a lawful arrest with or without a warrant; or assaults
17 any duly authorized district constable, in serving or executing
18 any such legal process or order or because of having served or
19 executed the same; or rescues another in legal custody; shall be
20 guilty of a misdemeanor of the third degree and shall be subject
21 to arrest on view by a district constable or other authorized
22 peace officer.

23 § 2972. Recovery of certain vehicle registration CARDS AND
24 PLATES and licenses.

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25 A district constable shall have the power and duty to recover
26 expired, suspended, or revoked vehicle registration cards and
27 plates and licenses for the Department of Transportation. The
28 department shall notify in writing the appropriate district
29 constable to recover all suspended or revoked vehicle
30 registration cards and plates and licenses.

1 § 2973. Power to carry and use a firearm.

2 A district constable shall have the power to carry and use a
3 firearm in the performance of his duties upon the successful
4 completion of the training requirements set forth in section
5 2945 (relating to education and training). A district constable
6 shall be subject to the same requirements and statutes provided
7 for police officers in regard to licensing and registration of
8 firearms.

9 Section 5. Notwithstanding those provisions of 42 Pa.C.S. §
10 2142(b) (relating to terms of office) of the members of the
11 District Constable Education Board, the initial appointees to
12 the board shall serve the following terms:

13 (1) One district constable member for three years.

14 (2) Two district constable members for five years.

15 (3) Two other members for three years.

16 (4) One other member for five years.

17 SECTION 6. THE INITIAL ELECTION FOR THE OFFICE OF DISTRICT
18 CONSTABLE SHALL TAKE PLACE AT THE MUNICIPAL ELECTION NEXT
19 FOLLOWING ONE YEAR FROM THE EFFECTIVE DATE OF THIS AMENDATORY
20 ACT.

21 Section ~~6~~ 7. (a) Except as provided in subsection (b) any
22 constable now in office from the effective date of this act
23 shall serve out the remainder of his term, at the completion of
24 which his office is abolished.

25 (b) The office of any constable who shall die, resign,
26 retire, be removed or suspended, or be appointed or elected to
27 the office of district constable, is abolished on the date of
28 such death, resignation, retirement, removal, suspension,
29 appointment or election.

30 (c) Any constable now in office shall not be subject to the

1 provisions of this act, EXCEPT FOR SECTION 2957 (RELATING TO <—
2 COMPENSATION AND EXPENSES GENERALLY) AND SECTION 2958 (RELATING
3 TO SPECIFIC FEES), but shall continue to be subject to those
4 acts or parts of acts listed in section 7 8(a), until repeal as <—
5 provided therein.

6 Section ~~7~~ 8. (a) The following acts or parts of acts shall <—
7 be inapplicable to district constables and are repealed
8 absolutely effective December 31, 1985:

9 Act of March 1, 1799 (3 Sm.L.354, Ch.2012), entitled "A
10 Supplement to the act, entitled 'An act to extend the powers of
11 the Justices of the Peace of this state.'"

12 Sections 12 and 19, act of March 20, 1810 (P.L.208, No.132),
13 entitled "An act to amend and consolidate with its Supplements,
14 the Act entitled 'An act for the recovery of debts and demands,
15 not exceeding one hundred dollars, before a Justice of the
16 Peace, and for the election of constables, and for other
17 purposes.'"

18 Act of January 21, 1814 (P.L.28, No.9), entitled "An act
19 allowing compensation to constables for attending the several
20 courts within this commonwealth."

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

27 Sections 107, 108, 109, 110, 111, 112, 113, 114, act of April
28 15, 1834 (P.L.537, No.247), entitled "An act relating to
29 counties and townships, and county and township officers."

30 Section 14, act of May 27, 1841 (P.L.400, No.141), entitled

1 "An act relating to the Election of County Treasurers, and for
2 other purposes."

3 Section 19, act of April 22, 1850 (P.L. 549, No.342),
4 entitled "A supplement to an act, entitled 'An Act to prevent
5 waste in certain cases within this commonwealth,' passed the
6 twenty-ninth day of March, one thousand eight hundred and
7 twenty-two; to land and building associations; giving the court
8 of Susquehanna county jurisdiction in a certain case; relative
9 to the service of process in certain cases; to party walls in
10 West Philadelphia; to the proof of a certain will; to the sale
11 and purchase of certain burial grounds in Philadelphia; to the
12 laying of gas pipes in the district of Moyamensing; to the
13 release of certain sureties in Erie county; to the State Lunatic
14 hospital; relative to the service of process against sheriffs;
15 to the rights of married women; to ground rents; and relating to
16 foreign insurance companies."

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

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

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

26 Act of July 14, 1897 (P.L.266, No.209), entitled "An act to
27 regulate the remuneration of policemen and constables employed
28 as policemen throughout the Commonwealth of Pennsylvania, and
29 prohibiting them from charging or accepting any fee or other
30 compensation, in addition to their salary, except as public

1 rewards and mileage for traveling expenses."

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

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

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

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

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

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

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

23 Act of May 31, 1919 (P.L.357, No.171), entitled "An act
24 relating to the duties of constables in certain counties;
25 prohibiting them from making returns to the court of quarter
26 sessions in certain cases; authorizing the court to direct
27 investigations and reports by constables, and fixing their
28 compensation in such cases."

29 Section 14, act of June 28, 1923 (P.L.903, No.348), entitled
30 "A supplement to an act, approved the fourteenth day of May, one

1 thousand nine hundred and fifteen (Pamphlet Laws, three hundred
2 and twelve), entitled 'An act providing a system for government
3 of boroughs, and revising, amending, and consolidating the law
4 relating to boroughs'; so as to provide a system of government
5 where a borough now has annexed or hereafter shall annex land in
6 an adjoining county, including assessment of property, levying
7 and collection of taxes, making municipal improvements, and
8 filing and collecting of liens for the same; the jurisdiction of
9 courts for the enforcement of borough ordinances and State laws,
10 and primary, general, municipal, and special elections; and
11 repealing inconsistent laws."

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

16 Act of February 28, 1933 (P.L.5, No.3), entitled "An act
17 relating to constables' returns to the court of quarter
18 sessions."

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

23 Section 1126, act of February 1, 1966 (1965 P.L.1656,
24 No.581), known as "The Borough Code."

25 Section 18, act of July 9, 1976 (P.L.586, No.142), entitled
26 "An act amending Titles 42 (Judiciary and Judicial Procedure),
27 15 (Corporations and Unincorporated Associations), 18 (Crimes
28 and Offenses) and 71 (State Government) of the Pennsylvania
29 Consolidated Statutes, adding revised, codified and compiled
30 provisions relating to judiciary and judicial procedure,

1 including certain judicially enforceable rights, duties,
2 immunities and liabilities and separately enacting certain
3 related provisions of law."

4 (b) The following acts or parts of acts are repealed insofar
5 as they relate to district constables:

6 Sections 3 and 7, act of March 4, 1824 (P.L.32, No.31),
7 entitled "A supplement to the act entitled 'An act laying a duty
8 on the retailers of Foreign Merchandise.'"

9 Section 9, act of April 12, 1825 (P.L.247, No.132), entitled
10 "An act more effectually to secure the collection of the revenue
11 from tavern licenses, and for other purposes."

12 Sections 107 and 108, act of April 15, 1834 (P.L.537,
13 No.247), entitled "An act relating to counties and townships,
14 and county and township officers."

15 Act of May 3, 1850 (P.L.666, No.390), entitled "An act
16 regulating the municipal and other elections in the city of
17 Philadelphia, and to establish an uniform system of police for
18 the city of Philadelphia and the districts of Southwark,
19 Moyamensing, Spring Garden, Penn Township, the incorporated
20 Northern Liberties and Kensington."

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

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

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

29 Act of May 10, 1878 (P.L.51, No.72), entitled "A supplement
30 to an act, entitled 'An act to prescribe the manner in which the

1 courts may divide boroughs into wards,' approved the fourteenth
2 day of May, Anno Domini one thousand eight hundred and seventy-
3 four."

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

9 Section 3, act of May 19, 1887 (P.L.138, No.82), entitled "An
10 act providing for payment of costs in criminal cases by the
11 proper county."

12 Act of February 12, 1889 (P.L.3, No.1), entitled "An act to
13 provide for the commencement of the terms of office of
14 councilmen, constables and school directors in new wards, when
15 erected in cities of the first class under existing laws and
16 where the several wards constitute separate school districts, to
17 provide for the supervision of the public schools in such new
18 wards until the organization of the board of school directors of
19 the new school section, and to provide for the term of
20 councilmen and constables already elected by the voters of the
21 old ward."

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

26 Section 2005, act of June 23, 1931 (P.L.932, No.317), known
27 as "The Third Class City Code."

28 Section 1401, act of June 24, 1931 (P.L.1206, No.331), known
29 as "The First Class Township Code."

30 Sections 1207, 1220, 1811, 1821, 1822, act of June 3, 1937

1 (P.L.1333, No.320), known as the "Pennsylvania Election Code."

2 Sections 234, 1121, act of February 1, 1966 (1965 P.L.1656,
3 No.581), known as "The Borough Code."

4 Title 51, section 6108 (relating to liability of public
5 officers for nonexecution of process), act of November 25, 1970
6 (P.L.707, No.230), known as the Pennsylvania Consolidated
7 Statutes.

8 Section ~~8~~. 9. This act shall take effect ~~January 1, 1980~~. IN <—
9 30 DAYS.