

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 AND B. SMITH, APRIL 14, 1986

REFERRED TO COMMITTEE ON JUDICIARY, APRIL 14, 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 "officer enforcing orders" in  
7 section 102 of Title 42 of the Pennsylvania Consolidated  
8 Statutes is amended and the section is amended by adding a  
9 definition 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:

1 \* \* \*

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

4 \* \* \*

5 "Officer enforcing orders." Includes:

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

11 (2) A register of wills.

12 (3) A sheriff.

13 (4) A constable.

14 \* \* \*

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

16 § 1722. Adoption of administrative and procedural rules.

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

19 (1) Practice, procedure and the conduct of all courts,  
20 district justices and all officers serving process or  
21 enforcing orders of any court or district justice and for  
22 admission to the bar and to practice law, and the  
23 administration of all courts and the supervision of all  
24 officers of the judicial branch, if such rules are consistent  
25 with the Constitution of Pennsylvania and neither abridge,  
26 enlarge nor modify the substantive rights of any litigant,  
27 nor affect the right of the General Assembly to determine the  
28 jurisdiction of any court or district justice, nor suspend  
29 nor alter any statute of limitation or repose. All statutes  
30 shall be suspended to the extent that they are inconsistent

1 with rules prescribed under this paragraph.

2 (2) The prescription of canons of ethics applicable to  
3 judges and district justices and the prescription of rules or  
4 canons applicable to the activities of all other personnel of  
5 the system.

6 (3) Procedure under section 18 of Article V of the  
7 Constitution of Pennsylvania and Subchapter C of Chapter 33  
8 (relating to discipline and removal by Judicial Inquiry and  
9 Review Board).

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

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

15 (6) Administration of constables, including  
16 registration, identification cards and standardized badges  
17 and uniforms.

18 A governing authority other than the Supreme Court shall not  
19 have power to prescribe general rules for assignment or  
20 reassignment of classes of matters among the several courts and  
21 district justices under section 503 (relating to reassignment of  
22 matters) or otherwise.

23 \* \* \*

24 Section 3. Chapter 21 of Title 42 is amended by adding a  
25 subchapter to read:

26 CHAPTER 21

27 JUDICIAL BOARDS AND COMMISSIONS

28 \* \* \*

29 SUBCHAPTER G

30 CONSTABLE EDUCATION BOARD

1 Sec.

2 2161. Constable Education Board.

3 2162. Composition of board.

4 2163. Organization.

5 2164. Staff.

6 2165. Powers and duties.

7 § 2161. Constable Education Board.

8 (a) General rule.--The Constable Education Board shall  
9 consist of nine members as provided in this subchapter.

10 (b) Seal.--The board shall have a seal engraved with its  
11 name and such other inscriptions as may be specified by general  
12 rule. A facsimile or preprinted seal may be used for all  
13 purposes in lieu of the original seal.

14 § 2162. Composition of board.

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

18 (1) Three persons who shall be constables.

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

20 (3) One person who shall be a judge of a court of common  
21 pleas.

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

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

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

27 (b) Terms of office.--The members of the board shall serve  
28 for terms of six years and until a successor has been appointed  
29 and qualified. A vacancy on the board shall be filled for the  
30 balance of the term.

1 (c) Compensation.--Members of the board shall be paid \$60  
2 for each day or part thereof upon which the member attends a  
3 board meeting or performs any duty assigned by the chairman.  
4 Members shall be reimbursed for reasonable traveling and other  
5 accountable expenses incurred incident to such attendance and  
6 assigned duty.

7 § 2163. Organization.

8 Annually, the Constable Education Board shall elect a  
9 chairman and other officers of the board, who shall hold office  
10 at the pleasure of the board. The board shall act only with the  
11 concurrence of a majority of its members. A quorum of the board  
12 shall consist of five members.

13 § 2164. Staff.

14 The Administrative Office shall provide such staff assistance  
15 as the Constable Education Board may require.

16 § 2165. Powers and duties.

17 The Constable Education Board shall exercise the powers and  
18 perform the duties vested in and imposed upon the board by  
19 Subchapter C of Chapter 29 (relating to constables) and any  
20 other powers and duties vested in and imposed upon the board by  
21 law.

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

24 CHAPTER 29

25 OFFICERS SERVING PROCESS AND

26 ENFORCING ORDERS

27 \* \* \*

28 SUBCHAPTER C

29 CONSTABLES

30 [(Reserved)]

- 1   Sec.
- 2   2941.   Election.
- 3   2942.   Qualifications for office.
- 4   2943.   Vacancies and removal from office.
- 5   2944.   Compatible and incompatible offices and activities.
- 6   2945.   Education and training.
- 7   2946.   Deputy constables.
- 8   2947.   Bonds.

9                           ADMINISTRATIVE AND FINANCIAL MATTERS

- 10  2951.   Local supervision.
- 11  2952.   Priority of constable business.
- 12  2953.   Records.
- 13  2954.   Registration and identification cards.
- 14  2955.   Uniforms.
- 15  2956.   Compensation and expenses generally.
- 16  2957.   Fees.
- 17  2958.   Assessment of fees in certain criminal cases resulting
- 18           in discharge of the defendant.
- 19  2959.   Educational fee assessment.
- 20  2960.   Distribution of process outside the judicial district.

21                           POWERS AND DUTIES

- 22  2965.   Service of process.
- 23  2966.   Police powers in certain municipalities.
- 24  2967.   Transportation of prisoners and others.
- 25  2968.   Protection of district justice.
- 26  2969.   Election day powers.
- 27  2970.   Acceptance of security.
- 28  2971.   Additional powers and duties.
- 29  2972.   Recovery of certain vehicle registration cards and plates
- 30           and licenses.

1 § 2941. Election.

2 There shall be one constable for each ward in cities of the  
3 second class, second class A and third class; one constable for  
4 each ward of a borough which is divided into wards; one  
5 constable for each borough which is not divided into wards; one  
6 constable for each incorporated town; two constables for each  
7 township of the first class; and one constable for each township  
8 of the second class. Constables shall be elected for terms of  
9 six years.

10 § 2942. Qualifications for office.

11 Each candidate for the office of constable shall be at least  
12 18 years of age and shall be a resident of the borough, ward,  
13 town or township for which he was elected. A constable shall be  
14 disqualified from continuing to hold the office if, during his  
15 term of office, he becomes a resident of a borough, ward, town  
16 or township other than the one for which he was elected.

17 § 2943. Vacancies and removal from office.

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

19 (1) Any person convicted of a felony or misdemeanor,  
20 except misdemeanors committed under Title 75 (relating to  
21 vehicles), shall be disqualified from seeking or holding the  
22 office of constable.

23 (2) A constable convicted of a felony or misdemeanor  
24 other than a misdemeanor committed under Title 75 shall be  
25 suspended from his duties by the president judge having local  
26 supervisory authority over such constable upon initial  
27 conviction. After all appeals are finally exhausted, the  
28 suspension shall result in immediate removal from office if  
29 the conviction stands and the resulting vacancy shall be  
30 filled pursuant to subsection (b). If the constable is

1 acquitted, the suspension shall be lifted.

2 (3) The courts of common pleas shall develop rules  
3 providing for the suspension, discipline or removal of  
4 constables. A constable may be removed from office after a  
5 hearing in the court of common pleas of the judicial district  
6 embracing the district for which the constable is elected or  
7 appointed, upon a finding that the constable was incompetent  
8 or negligent in the performance of his duties, or that the  
9 constable had failed to meet the requirements of this  
10 subchapter.

11 (b) Filling of vacancies.--If the office of constable  
12 becomes vacant for any reason, the president judge of the  
13 judicial district in which the vacancy exists shall appoint a  
14 qualified person to fill the vacancy. The person so appointed  
15 shall hold office until the first Monday in January after the  
16 municipal election occurring more than 60 days after the vacancy  
17 occurs, at which election an eligible person shall be elected  
18 for the unexpired term.

19 § 2944. Compatible and incompatible offices and activities.

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

23 (1) School security duties.

24 (2) Municipal security duties pursuant to the act of  
25 January 14, 1952 (1951 P.L.2016, No.561), entitled "An act  
26 providing for supplementing the police forces of cities,  
27 boroughs, towns and townships, for the appointment, powers  
28 and control of auxiliary police therein, and for the transfer  
29 during disasters and emergencies of such auxiliary police,  
30 members of the regular police forces, and police equipment



1       thereof."

2           (3) Traffic duty at special events.

3       (b) Incompatible offices and activities.--The following  
4 offices and activities are incompatible with the office of  
5 constable:

6           (1) District attorney.

7           (2) Assistant district attorney.

8           (3) County treasurer.

9           (4) Prothonotary.

10          (5) Clerk of the courts.

11          (6) Private detective.

12          (7) Police officer except as provided in section 2966  
13 (relating to police powers in certain municipalities).

14          (8) Any other position in the unified judicial system.

15          (9) Private collection agent.

16          (10) Bail bondsman.

17          (11) Sheriff.

18 § 2945. Education and training.

19       (a) Course of instruction.--Constables shall complete a  
20 course of training and instruction in the duties of their office  
21 as prescribed by the Constable Education Board and shall  
22 successfully pass an examination prior to assuming the duties of  
23 office if elected or within six months after being elected or  
24 upon taking office pursuant to an appointment to fill a vacancy.  
25 The board shall make the course of instruction available at  
26 times determined by it so as to insure that any constable to be  
27 elected or appointed may qualify to assume office as soon as  
28 possible. The board shall direct the Administrative Office to  
29 conduct the course at such times, at such places and in such  
30 manner as it shall prescribe.

1       (b) Admission of interested persons.--In addition to those  
2 required by this section to complete the course of training and  
3 instruction and successfully pass an examination, any interested  
4 person may apply to the board to be enrolled in the course of  
5 instruction and take the examination, subject to rules and  
6 regulations as the Administrative Office with the approval of  
7 the board may determine, which shall include, but not be limited  
8 to, a reasonable fee for the instruction or examination which  
9 shall be reimbursed by the board if the person is elected or  
10 appointed to the office of constable within one year of  
11 successful completion of the course.

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

25       (d) Lethal weapons training.--Constables shall complete a  
26 course of training and instruction in the use of firearms as  
27 prescribed by the board and shall successfully pass an  
28 examination in order to carry or use a firearm in the  
29 performance of their duties. The board may waive these  
30 requirements or any portion thereof upon the demonstration by

1 the constable that he has taken and successfully completed a  
2 comparable training program. The board may, by regulation,  
3 require periodic retraining in the use of firearms.

4 (e) Continuing education program.--The board shall develop a  
5 course of continuing education for constables. Attendance at the  
6 program shall not be required as a condition of holding the  
7 office of constable.

8 (f) Cost.--The cost of training and instruction and all  
9 other education programs and examinations required by this  
10 section shall be paid by the Commonwealth.

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

15 § 2946. Deputy constables.

16 (a) Number of deputies.--The Administrative Office shall  
17 undertake a study of the current and projected case loads within  
18 each judicial district and shall determine the maximum number of  
19 deputy constables needed for each judicial district. The  
20 Administrative Office shall promulgate regulations establishing  
21 the maximum number of deputies which can be appointed in each  
22 judicial district. This number shall not be less than the number  
23 of constables in each judicial district.

24 (b) Appointment.--A constable may request, upon a  
25 demonstration of need, authorization from the president judge  
26 having local supervisory authority over such constable to  
27 appoint one or more deputies. The number of deputies appointed  
28 shall not exceed the number of deputies authorized to be  
29 appointed in each judicial district. The president judge shall  
30 approve the appointment of deputies.

1 (c) Qualifications.--A deputy constable shall be subject to  
2 the same standards and training required of an elected constable  
3 and shall present evidence of having met those requirements  
4 prior to his appointment. A deputy so appointed shall be the  
5 agent of the constable and shall be regulated or supervised by  
6 the constable and removed by him for just cause. The deputy may  
7 also be suspended, disciplined or removed by the court pursuant  
8 to section 2943 (relating to vacancies and removal from office).

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

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

28 § 2947. Bonds.

29 (a) Filing of bonds.--Every constable and deputy constable  
30 shall give a bond to the Commonwealth with a surety approved by

1 the court in an amount not less than \$3,000. This bond shall be  
2 filed with the clerk of the court of common pleas of the  
3 judicial district embracing the district for which the constable  
4 and deputy constable are elected or appointed and shall be  
5 conditioned on the just and faithful discharge by the constable  
6 and deputy constable of their duties. The bond shall be held for  
7 the use and benefit of all persons who may sustain injury from  
8 the constable and his deputies in their official capacity by  
9 reason of neglect or improper performance of duty.

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

#### 15 ADMINISTRATIVE AND FINANCIAL MATTERS

16 § 2951. Local supervision.

17 The president judge of the court of common pleas of each  
18 judicial district shall exercise general supervision and  
19 administrative control over constables serving within his  
20 judicial district.

21 § 2952. Priority of constable business.

22 A constable shall devote the time necessary for prompt and  
23 proper disposition of the business of his office, which shall be  
24 given priority over any other occupation, business, profession,  
25 pursuit or activity.

26 § 2953. Records.

27 Each constable shall maintain accurate records, on forms  
28 prescribed by the Administrative Office, regarding all functions  
29 performed by him. Such records shall be open for inspection by  
30 the Administrative Office and the president judge of the

1 judicial district and as otherwise provided by law. The  
2 Administrative Office shall issue rules prescribing the type and  
3 manner of records to be kept.

4 § 2954. Registration and identification cards.

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

7 § 2955. Uniforms.

8 A constable may wear a uniform when engaged in the duties of  
9 his office. The Administrative Office shall prescribe the  
10 specifications for the standardized constable uniform.

11 § 2956. Compensation and expenses generally.

12 (a) Compensation of constables.--Constables shall be  
13 compensated for their services and expenses by the payment of  
14 fees authorized pursuant to this section and section 2957  
15 (relating to fees).

16 (b) Compensation of deputy constables.--Deputy constables  
17 shall be compensated for their services in the same amount as  
18 elected constables.

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

28 (d) Multiple service of process.--In criminal and civil  
29 cases when multiple processes are served, a constable shall be  
30 paid for each process served. The constable shall be paid only

1 one mileage or expense fee, except in those instances in which  
2 multiple trips are required and approved by the court or the  
3 district justice.

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,  
11 \$5.

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 watchman taking charge of property levied on,  
19 when necessary, \$20 per day, also reasonable expenses and  
20 insurance, arranging goods for sale, heat, light, storage,  
21 rent, transportation, feeding livestock and similar expenses  
22 incurred in caring for and keeping goods and chattels levied  
23 upon, when the expense is necessary and advantageous or when  
24 requested by the plaintiff or defendant to incur the expense.

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

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

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

30          (15) For making return of no levy or not found on any



process, \$1.50.

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

(17) For forcible ejectment on order for possession,  
\$35.

(18) For serving complaint in landlord and tenant  
proceeding, \$7.50.

(19) For taking inventory of goods on execution, each  
item, 5¢.

(20) For appraising property where exemption is claimed  
by defendant, \$15.

(21) For serving notice of execution where amount of  
execution is less than \$500, \$15; where amount of execution  
is \$500 or more but less than \$1,500, \$20; where amount of  
execution is \$1,500 or more, \$25.

(22) For levy on goods where amount of execution is less  
than \$500, \$15; where amount of execution is \$500 or more but  
less than \$1,500, \$20; where amount of execution is \$1,500 or  
more, \$25.

(23) For each posting of notice of execution, \$5.

(24) Reasonable mileage costs, to be paid as provided in  
section 2956.

(c) Criminal fees.--The fees paid to constables for their  
services and expenses in criminal cases shall include the  
following:

(1) For executing a warrant on behalf of the  
Commonwealth or a political subdivision thereof, for each  
defendant, \$10; for executing a warrant where the defendant  
is charged with at least one felony offense, \$15.

(2) For conveying defendants, except vagrants, to jail  
on mittimus or warrants, for each defendant, \$10.

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

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

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

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

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

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

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

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

29           (d) Services not specifically provided for.--For services  
30 not specifically provided for, the same fee may be charged as

1 received for similar services.

2 § 2958. Assessment of fees in certain criminal cases resulting  
3 in discharge of the defendant.

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

18 § 2959. Educational fee assessment.

19 An additional \$2 fee shall be charged to all persons upon  
20 whom a process is successfully served, unless acquitted, which  
21 fee shall be transmitted to the General Fund. This fee shall not  
22 be suspended.

23 § 2960. Distribution of process outside the judicial district.

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

1 municipal court for distribution for service.

2 POWERS AND DUTIES

3 § 2965. Service of process.

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

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

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

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

17 § 2966. Police powers in certain municipalities.

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

23 (b) Certification required.--No constable or deputy  
24 constable shall perform police duties pursuant to this section  
25 unless he has met all of the requirements established by the  
26 Municipal Police Officers' Education and Training Commission and  
27 has been duly certified as having met those requirements by the  
28 Commissioner of the Pennsylvania State Police pursuant to the  
29 act of June 18, 1974 (P.L.359, No.120), referred to as the  
30 Municipal Police Education and Training Law.

1 § 2967. Transportation of prisoners and others.

2 Constables shall have the authority when directed by a  
3 district justice or a court to transport prisoners, mental  
4 patients and any other persons as the court may direct. Any  
5 constable directed to transport prisoners or mental patients may  
6 secure the assistance of another constable to aid him.  
7 Constables rendering the assistance shall be paid at a rate  
8 equal to the constable to whom the assistance is rendered.

9 § 2968. Protection of district justice.

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

16 § 2969. Election day powers.

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

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

8 § 2970. Acceptance of security.

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

12 § 2971. Additional powers and duties.

13 A constable may exercise any other power and duty provided by  
14 law.

15 § 2972. Recovery of certain vehicle registration cards and  
16 plates and licenses.

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

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

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

28 Sections 12 and 19 of the act of March 20, 1810 (P.L.208,  
29 No.132), entitled "An act to amend and consolidate with its  
30 Supplements the Act entitled 'An act for the recovery of debts

1 and demands, not exceeding one hundred dollars, before a Justice  
2 of the Peace, and for the election of Constables, and for other  
3 purposes.'" "

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

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

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

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

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

1 hospital; relative to the service of process against sheriffs;  
2 to the rights of married women; to ground rents; and relating to  
3 foreign insurance companies."

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

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

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

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

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

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

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

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



1 Commonwealth."

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

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

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

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

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

30 Act of April 6, 1925 (P.L.155, No.113), entitled "An act

1 providing constables' fees for service of writs in juvenile  
2 cases."

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22      Act of February 12, 1889 (P.L.3, No.1), entitled "An act to  
23      provide for the commencement of the terms of office of  
24      councilmen, constables and school directors in new wards, when  
25      erected in cities of the first class under existing laws and  
26      where the several wards constitute separate school districts, to  
27      provide for the supervision of the public schools in such new  
28      wards until the organization of the board of school directors of  
29      the new school section, and to provide for the term of  
30      councilmen and constables already elected by the voters of the

1 old ward."

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

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

14 Section 6. (a) Notwithstanding the provisions of 42 Pa.C.S.  
15 § 2162(b) (relating to terms of office), the initial appointees  
16 to the Constable Education Board shall serve the following  
17 terms:

18 (1) Three members for two years.

19 (2) Three members for four years.

20 (3) Three members for six years.

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

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