

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 634 Session of
1999

INTRODUCED BY GREENLEAF, O'PAKE, HART, BOSCOLA, WAGNER AND
STOUT, MARCH 22, 1999

REFERRED TO JUDICIARY, MARCH 22, 1999

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, further providing for the
3 designation of the Constables' Education and Training Board;
4 and further providing for powers and duties of the board.

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

7 Section 1. The definition of "board" in section 2941 of
8 Title 42 of the Pennsylvania Consolidated Statutes is amended to
9 read:

10 § 2941. Definitions.

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

14 * * *

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

18 * * *

1 Section 2. Sections 2943(a) and 2948(a) of Title 42 are
2 amended to read:

3 § 2943. Board established.

4 (a) Board created.--There is hereby established within the
5 commission [an advisory] a board to be known as the [Constables'
6 Education and Training] Commonwealth Constable Board.

7 * * *

8 § 2948. Use of firearms.

9 (a) Standards.--The [Constables' Education and Training
10 Board] board, with the review and approval of the Pennsylvania
11 Commission on Crime and Delinquency, shall establish standards
12 for the certification or qualification of constables and deputy
13 constables to carry or use firearms in the performance of any
14 duties.

15 * * *

16 Section 3. Title 42 is amended by adding a section to read:

17 § 2951. Suspension or revocation of certificate.

18 (a) Authority of board.--Following notice and a hearing as
19 provided for in this section, the board shall have the authority
20 to revoke or suspend a constable's or deputy constable's
21 certificate for the following reasons:

22 (1) Physical or mental disability affecting the
23 constable's ability to perform his duties.

24 (2) Neglect of the constable's duties.

25 (3) Conviction of a felony or misdemeanor.

26 (4) Conduct unbecoming a constable.

27 (5) Inefficiency or incompetence.

28 (6) Intoxication or use of a controlled substance while
29 performing official duties.

30 (b) Complaint.--A person may file with the board a written

1 complaint, sworn to by the complainant, alleging that a
2 constable's or deputy constable's certificate should be revoked
3 or suspended for one or more of the reasons listed in subsection
4 (a). The board may also investigate or cause to be investigated
5 the conduct of a constable or deputy constable and file a
6 written statement of the allegations.

7 (c) Notice.--If the board decides there is a prima facie
8 case supporting the allegations, the board shall give the
9 subject of the complaint written notice of the allegations and
10 the time and place of the hearing on the complaint. The hearing
11 shall not be held less than 30 days after the subject of the
12 complaint is given notice.

13 (d) Procedure.--The board shall by regulation establish
14 procedures for investigating complaints and conducting hearings
15 under this section.

16 (e) District attorney, county solicitor, judge or district
17 justice.--If a district attorney, county solicitor, judge or
18 district justice files the complaint under subsection (b), the
19 board shall investigate the complaint and respond with a report
20 to the district attorney, county solicitor, judge or district
21 justice. A district attorney, county solicitor, judge or
22 district justice who files a complaint shall be given notice of
23 any hearing regarding the subject constable or deputy constable
24 and shall be provided with an opportunity to give testimony and
25 make recommendations regarding the constable or deputy
26 constable.

27 (f) Rights of respondent.--The subject of the complaint
28 shall have the right to appear either personally or by counsel,
29 or both, to produce witnesses and evidence on his own behalf, to
30 cross-examine witnesses and to have subpoenas issued on his

1 behalf by the board or its designee.

2 (g) Appeal.--The subject of a complaint may appeal the
3 board's decision in accordance with Title 2 (relating to
4 administrative law and procedure).

5 Section 4. This act shall take effect in 60 days.