

**SURETY BONDS FOR SHERIFF AND CORONER**  
**Act of Jun. 15, 1939, P.L. 359, No. 212**  
AN ACT

Cl. 16

Relating to recognizances and official bonds of present and future sheriffs and coroners and to their sureties thereon; imposing the expense of corporate suretyships on such obligations upon the several counties and various duties upon the courts of common pleas and county officers thereof; authorizing the substitution of approved surety companies for individual or corporate sureties upon such obligations and the release of any surety upon any such recognizance by such court upon certain conditions; dispensing with sureties on such recognizances but providing for the acknowledgment, recording and indexing of same as liens on certain real estate; regulating such liens and releases therefrom; providing for refunds to sheriffs and coroners of certain premiums paid to sureties on their official bonds and recognizances; and repealing inconsistent laws, except as to existing claims or pending suits thereunder, subject to certain limitations.

**Compiler's Note:** Section 2901 of Act 130 of 1955 provided that Act 212 is repealed insofar as it relates to counties of the third through eighth class.

**Compiler's Note:** Section 3301 of Act 230 of 1953 provided that Act 221 is repealed insofar as it relates to counties of the second class.

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

Section 1. That every existing and future sheriff or coroner in any county of this Commonwealth shall furnish as security on his official bond one or more surety companies, authorized to do business in this Commonwealth, and duly licensed by the Insurance Commissioner thereof, to be named in such bond and to be approved by the court of common pleas of the proper county or any two judges thereof, and that said court may, at any time thereafter, upon cause shown and due notice to such sheriff or coroner and his sureties, require or allow the substitution of another or an additional surety company acceptable to such court, to make such bond sufficient security for the amount required from such sheriff or coroner in such county by existing law, regardless of the solvency of such sheriff or coroner, without releasing the surety or sureties first approved from any accrued liability or previous action on such bond.

Section 2. All premiums charged or chargeable by any surety company for becoming or remaining as surety on such bond for any period after the last day of December, one thousand nine hundred and thirty-eight, or the proportionate part of any annual premium covering the period during which any sheriff or coroner remains in office after said date, shall be paid out of the treasury of the proper county on warrants drawn by the sheriff or coroner or the commissioners thereof, as existing laws may require for the payment of other expenses of the office of such sheriff or coroner, it being intended that this section shall apply to all premiums due or accruing on official bonds of sheriffs and coroners now in office for the year one thousand nine hundred and thirty-nine, as well as for subsequent years of their terms or of the terms of their successors. If any such premium or part thereof has been paid by any sheriff or coroner,

because of any claim by the surety or other county officers that he was personally liable for same, the county shall reimburse him for such expenditure in manner aforesaid upon satisfactory proof of such payment.

Section 3. Every sheriff, whether elected or appointed to fill a vacancy, not including any coroner temporarily acting as sheriff, and every coroner, before he is commissioned or executes any duties of his respective office, shall execute and duly acknowledge before the recorder of deeds of the proper county, a proper recognizance, without any surety, to the Commonwealth of Pennsylvania, for the faithful discharge of all his official duties in like amount as that of his official bond required by existing law, and in a form containing like conditions as such bond, which recognizance shall be immediately recorded in said county at the expense of said sheriff or coroner, and when so recorded, shall be transmitted to the Secretary of the Commonwealth, with said recorder's certificate endorsed thereon of its having been duly recorded, and with a reference to the place of record thereof. Every such recognizance hereafter executed shall continue to be a lien on the real estate owned by the sheriff or coroner at the date of such acknowledgment, for a period of six years from that date. Every recognizance heretofore executed by any sheriff or coroner shall continue to be a lien on the real estate owned by the sheriff or coroner at the time the recognizance was dated, for a period of six years after that date, but in every case where the period of six years has already expired, the lien of such recognizance shall continue for a period of two years after the effective date of this amendment or to the end of the lien term fixed by law at the time the recognizance was executed, whichever date shall first occur. The Secretary of the Commonwealth shall have and keep the custody of every such recognizance, and any copy thereof and of said endorsements certified to by said Secretary of the Commonwealth shall be competent evidence of the execution, delivery and recording thereof in any judicial proceedings, and may be relied upon by any public officer to the same extent as the original recognizance would be. The proper recorder of deeds may also certify copies of such recognizance and the time and place of record thereof for like purposes upon receipt of his proper fees therefor, according to existing laws. Such recognizance or any duly certified copy thereof may likewise be recorded and indexed like a judgment in any other county of this Commonwealth, by any person or public officer, upon payment of the usual fees to the recorder of deeds and prothonotary of such county respectively, for the purpose of creating a lien on any real estate of the sheriff or coroner obligated thereby lying in such other county. It shall be the duty of the recorder of deeds of the county for which a sheriff or coroner is elected or appointed, as soon as said sheriff or coroner is commissioned, to certify the date, amount and place of record of his recognizance, with the name and address of said sheriff or coroner, to the prothonotary of said county, who shall enter such information upon his docket and index the lien of such recognizance like a judgment obtained in the court of common pleas of said county. Every sheriff's or coroner's recognizance hereafter given shall inure to the benefit of any surety on his official bond entitled to subrogation to the rights of any person or corporation, including any county intended to be benefited thereby, injured by any official misconduct or neglect of the sheriff or coroner who executed such recognizance, to the extent of any payments by such surety for any damages for

which such sheriff or coroner may be held to be liable in any suit or proceedings against such sheriff or coroner on his official bond or recognizance. And a similar right of subrogation may be enforced with respect to any such recognizance heretofore given, to the extent permitted by law or equity.

(3 amended Sept. 29, 1951, P.L.1569, No.403)

Section 4. The court of common pleas of the proper county, upon petition of any sheriff or coroner now in office praying for a release of any individual or corporate surety or sureties bound by his recognizance heretofore entered, may, after due notice to the sureties on his official bond and to a majority of the commissioners of said county, being satisfied of the sufficiency of the surety or sureties on said bond, and that no action has been commenced by any person or corporation on said recognizance, or that all suits thereon have been ended by payment of any judgments obtained therein or otherwise, release such surety or sureties upon said recognizance from all liability thereunder, and their lands from the lien thereof, without affecting the liability of the same or other sureties upon said official bond for any existing or subsequent cause of action against such sheriff or coroner or them respecting his office and without releasing such sheriff or coroner, his heirs, executors or administrators from liability on his recognizance, or his lands within the county from the lien thereof.

Section 5. All separate premiums charged or chargeable by any surety company or companies for becoming or remaining surety or sureties on the recognizances of sheriffs or coroners now in office for any period subsequent to the last day of December, one thousand nine hundred and thirty-eight or the proportionate part of any annual premium covering the period during which any existing sheriff or coroner remains in office, shall be paid out of the treasury of the proper county on warrants drawn by the sheriff or coroner or by the commissioners thereof in like manner as other expenses of his respective office are payable according to law. If any such premium or part thereof shall have been paid by any sheriff or coroner on account of any claim by any surety company or county that he was personally liable for same, the county shall reimburse him for such expenditure in the manner aforesaid upon satisfactory proof of same. This section is intended to apply to all premiums which may accrue for corporate suretyships on existing sheriffs' or coroners' recognizances pending the release of the surety or sureties from further liability on such recognizances, in the manner aforesaid.

Section 6. Furthermore, in order to avoid any question about the continued qualification of any present sheriff or coroner who does not have an approved corporate surety on his official bond, such sheriff or coroner shall have a period of four months from the effective date of this act within which to comply with the provisions hereof, at the expense of the county for which he is acting, and the court of common pleas of such county, upon his petition and due notice to a majority of said commissioners, may release each and every individual surety or sureties on such bond from further liability thereon, upon the substitution of a qualified corporate surety or sureties to be approved by said court, without releasing such individual surety or sureties from any liability which they may have already incurred respectively on any such bond, or releasing said sheriff or coroner from his continued liability thereunder.

Section 7. This act shall take effect immediately upon its final enactment, and if any section, sentence, clause or part of this act is held to be unconstitutional, such decision shall not affect or impair any of the remaining provisions of the act. It is hereby declared as the legislative intent that the latter would have been adopted had such unconstitutional provision, if any, not been included herein.

Section 8. The provisions of this act so far as they are the same as any existing laws, shall be construed as a continuation of such laws and not as new enactments. The repeal, by this act, of any provisions of law, shall not revive any law heretofore repealed or superseded, nor shall this act affect any act done, liability incurred or any right accrued or established, nor any suit or prosecution pending or to be instituted for past transactions, under the authority or by reason of the repealed laws, except as expressly provided herein, it being intended that the individual or corporate sureties on existing sheriffs' or coroners' recognizances on which any action is taken by any person having any existing claim against any sheriff or coroner bound thereby before the release of such sureties therefrom, shall respectively remain liable to such claimant, if any damages are subsequently adjudged to be due him, and such liability for past transactions may be enforced in the same manner as if such sureties were personally liable for same, subject to the limitations on actions established by other acts. All acts or parts of acts inconsistent herewith are hereby repealed, including inconsistent provisions of any existing local or special acts, or acts enacted at this session of the General Assembly prior to the final enactment hereof.