

JUDICIAL CODE (42 PA.C.S.) - CONSTABLES' FEES

Act of Jun. 29, 2006, P.L. 277, No. 59

Cl. 42

Session of 2006

No. 2006-59

SB 303

AN ACT

Amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for fees for constables.

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

Section 1. Section 2950 of Title 42 of the Pennsylvania Consolidated Statutes, amended November 30, 2004 (P.L.1618, No.207), is amended to read:

§ 2950. Fees.

(a) Travel or mileage.--Actual mileage for travel by motor vehicle shall be reimbursed at a rate equal to the highest rate allowed by the Internal Revenue Service. If travel is by other than motor vehicle, reimbursement shall be for actual[,] vouchered travel expenses.

(b) Apportionment.--If more than one defendant is transported simultaneously, reimbursements shall be for actual miles traveled, and the **travel** cost shall be divided between or among the defendants.

(c) Additional persons.--A constable or deputy constable when he is transporting a prisoner, serving a **felony or misdemeanor** warrant [other than for a summary offense] or serving a warrant on **a juvenile or** a defendant of the opposite sex may, at his discretion, be accompanied by a second constable or deputy constable who is certified under section 2947 (relating to automatic certification) to perform judicial duties. In such cases, each officer shall receive the fee set out in this section. In all other civil **, landlord-tenant** and **summary** criminal cases, the issuing authority may authorize payment to a second officer.

(d) Civil **and landlord-tenant** cases.--In civil **and landlord-tenant** cases, constable fees must be paid in advance to the court for services desired to be performed. These fees shall not be refundable to the plaintiff if a case is settled or a debt is satisfied less than 48 hours prior to a scheduled sale or ejectment, in which latter case the constable or deputy constable shall be paid for holding the sale or carrying out an ejectment, respectively.

(e) Payment.--[Fees] **All civil, landlord-tenant and criminal fees** shall be paid by the court to the constable as soon as possible and in no case not more than 15 days in civil **and landlord-tenant** cases and 30 days in criminal cases after the service is performed and a proper request for payment is

submitted, provided that, in criminal cases where the books and accounts of the relevant county offices are payable on a monthly basis, payment shall be made not more than 15 days after the close of the month.

[(f) Specific fees.--Fees in civil cases shall be as follows:

- (1) For serving complaint, summons or notice on suitor or tenant, either personally or by leaving a copy, \$10 plus \$5 for each additional defendant at the same address.
- (2) For levying goods, including schedule of property levied upon and set aside, \$35.
- (3) For advertising personal property to public sale, \$5 per posting (maximum of \$15) plus actual cost of advertising.
- (4) For selling goods levied, \$35.
- (5) For clerk at sale, \$20.
- (6) For making return of not found, \$10.
- (7) For executing order of possession, \$10.
- (8) For ejectment, \$70.
- (9) For making return of service, other than not found, \$2.50.
- (10) For providing courtroom security as ordered, \$10 per hour, prorated to the nearest whole dollar, assessed against one or more parties as determined by the court.]

**(f) Civil and landlord-tenant cases.--Fees in civil and landlord-tenant cases shall be as follows:**

- (1) For serving complaint, summons or notice on suitor or tenant, either personally or by leaving a copy, \$13, plus \$5 for each additional defendant at the same address, \$2.50 for each return of service, plus mileage.**
- (2) For levying goods, including schedule of property levied upon and set aside, notice of levy and return of service, \$75, plus mileage.**
- (3) For advertising personal property for public sale, \$7 per posting (maximum of \$21), plus mileage, plus actual cost of advertising.**
- (4) For selling goods levied, clerk, receipts and returns to court, \$85, plus mileage.**
- (5) For making return of not found, \$13, plus mileage. Payment shall be limited to three returns of not found.**
- (6) For executing order of possession, \$13, plus \$5 for each additional defendant at the same address, \$2.50 for each return of service, plus mileage.**
- (7) For ejectment, \$90, \$2.50 for each return of service, plus mileage.**
- (8) For making any return of service other than not found, \$2.50 each.**
- (9) For providing courtroom security as ordered, \$13 per hour, assessed against one or more parties as determined by the court.**
- (10) Actual mileage for travel by motor vehicle shall be reimbursed at the rate equal to the highest rate allowed by the Internal Revenue Service. If travel is by other than motor vehicle, reimbursement shall be for actual vouchered travel expenses.**

**(g) Criminal cases.--Fees in criminal cases shall be as**

follows:

(1) For executing [a] **each warrant of arrest**, or for effectuating the payment of fines and costs by attempting to execute [a warrant, \$15 per warrant] **each warrant of arrest, \$25 for each docket number and \$2.50 for each return of service, plus mileage .**

(2) For taking custody of a defendant, \$5 per defendant.

(3) For conveyance of defendant to or from court, \$5 per defendant.

(4) For attendance at arraignment or hearing, [\$5 per defendant] **\$13.**

(5) For executing discharge, \$5 per defendant.

(6) For executing commitment, \$5 per defendant.

(7) For executing release, \$5 per defendant.

(8) For making returns to the court, \$2.50.

[(9) For holding one or more defendants at the office of a magisterial district judge, \$10 per hour beyond the first half hour.

(10) For conveying defendants for fingerprinting, \$5 per defendant.

(11) For fingerprinting or overseeing the fingerprinting of defendants at the direction of the magisterial district judge, \$10 per defendant, plus \$10 per hour beyond the first half hour.

(12) For providing courtroom security as ordered, \$10 per hour, prorated to the nearest whole dollar, assessed against one or more parties as determined by the court.

(13) For serving subpoenas, \$10 for the first witness at each address, plus \$2.50 for each additional witness at the same address. The same fee shall be payable for attempting to service a subpoena at a wrong address supplied by the party requesting the service.

(h) Similar fees.--For civil and criminal services not specifically provided for, the court shall pay the same fees as it pays for services that it determines to be similar to those performed.

(i) Assessment by court.--In all criminal cases wherein the defendant is discharged or indigent, or the case is otherwise dismissed, the court shall assess to the county the fee provided in this section, except that, in cases of private criminal complaints wherein the defendant is discharged prior to the indictment or the filing of any information or the case is otherwise dismissed at the summary offense hearing, the court shall assess the fee to the affiant.]

**(9) Transporting each nonincarcerated defendant to jail, \$17, plus mileage; transporting an incarcerated prisoner, \$38 per prisoner, plus an hourly rate of \$13 per hour, plus mileage. Computation of hourly rate will apply after the expiration of the first hour per prisoner per hour, not to exceed \$26 per hour per constable.**

**(10) Receipt of the fees for transporting a nonincarcerated defendant under paragraph (9) shall not exclude receipt of the fees under paragraphs (6) and (8) for that transport.**

**(11) Receipt of the fees for transporting an**

incarcerated prisoner under paragraph (9) shall exclude receipt of the fees under paragraphs (2), (3), (4) and (7) for that transport.

(12) Actual mileage for travel by motor vehicle shall be reimbursed at the rate equal to the highest rate allowed by the Internal Revenue Service. If travel is by other than motor vehicle, reimbursement shall be for actual vouchered travel expenses.

(13) For conveying defendants for fingerprinting, \$17 per defendant, plus \$13 per hour beyond the first hour per defendant per hour, not to exceed \$26 per hour per constable, plus mileage.

(14) For holding one or more defendants at the office of a magisterial district judge, \$13 per hour per defendant beyond the first half hour.

(15) For courtroom security as ordered, \$13 per hour, assessed against one or more parties as determined by the court.

(16) In all criminal cases wherein the defendant is discharged or indigent or the case is otherwise dismissed, the court shall assess to the county the fee provided in this section, except that in cases of private criminal complaints wherein the defendant is discharged prior to the indictment or the filing of any information or the case is otherwise dismissed at the summary offense hearing, the court shall assess the fee to the affiant.

(h) Subpoenas.--For serving district court-issued subpoenas for civil, landlord-tenant or criminal matters, \$13 for first witness, plus \$5 for each additional witness at the same address, \$2.50 return of service for each subpoena, plus mileage. The same fee shall be payable for attempting to serve a subpoena at a wrong address supplied by the party requesting the service.

(i) Similar fees.--For civil, landlord-tenant and criminal services not specifically provided for, the court shall pay the same fees as it pays for services that it determines to be similar to those performed.

Section 2. This act shall take effect in 60 days.

APPROVED--The 29th day of June, A. D. 2006.

EDWARD G. RENDELL