

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1900 Session of
1997

INTRODUCED BY MAYERNIK, ORIE, VAN HORNE, HERSHEY, GIGLIOTTI,
GEORGE, LEDERER, BELARDI, MASLAND, KAISER, READSHAW,
TRAVAGLIO, WOGAN, BOSCOLA, VANCE, BELFANTI, TRICH, SEYFERT,
TRELLO, RAMOS, SHANER, M. COHEN AND SERAFINI, OCTOBER 8, 1997

REFERRED TO COMMITTEE ON JUDICIARY, OCTOBER 8, 1997

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 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), 2944 and 2948(a) of Title 42
2 are 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 § 2944. Program established.

9 The board, with the review and approval of the commission,
10 shall:

11 (1) Establish, implement and administer the Constables'
12 Education and Training Program according to the minimum
13 requirements set forth in this subchapter.

14 (2) Establish, implement and administer requirements for
15 the minimum courses of study and training for constables and
16 deputy constables.

17 (3) Establish, implement and administer requirements for
18 courses of study and in-service training for constables and
19 deputy constables.

20 (4) Establish, implement and administer requirements for
21 a continuing education program for constables and deputy
22 constables concerning subjects the board may deem necessary
23 and appropriate for the continued education and training of
24 constables and deputy constables.

25 (5) Approve or revoke the approval of any school which
26 may be utilized for the educational and training requirements
27 of this subchapter.

28 (6) Establish the minimum qualifications for instructors
29 and certify instructors.

30 (7) Consult, cooperate and contract with universities,

1 colleges, law schools, community colleges and institutes for
2 the development of basic and continuing education courses for
3 constables and deputy constables.

4 (8) Promote the most efficient and economical program
5 for constable and deputy constable training by utilizing
6 existing facilities, programs and qualified State and local
7 personnel.

8 (9) Certify constables and deputy constables who have
9 satisfactorily completed the basic and continuing education
10 and training requirements of this subchapter and issue
11 appropriate certificates to them.

12 (10) Make rules and regulations and perform other duties
13 as may be reasonably necessary or appropriate to administer
14 the education and training program for constables and deputy
15 constables.

16 (11) In consultation with the Insurance Commissioner,
17 monitor the price and availability of the liability insurance
18 required by section 2942(b) (relating to conduct and
19 insurance) and, if deemed necessary by the board, provide
20 information and coordination to assure the availability and
21 competitive pricing of such insurance.

22 (12) Make an annual report to the Governor and to the
23 General Assembly concerning:

24 (i) The administration of the Constables' Education
25 and Training Program.

26 (ii) The activities of the board.

27 (iii) The costs of the program.

28 (iv) Proposed changes, if any, in this subchapter.

29 (13) Promulgate requirements and standards mandating
30 background checks, investigations and reports on newly

elected constables and appointed deputies.

§ 2948. Use of firearms.

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

* * *

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

§ 2951. Suspension or revocation of certificate.

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

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

(2) Neglect of the constable's duties.

(3) Conviction of a felony or misdemeanor.

(4) Conduct unbecoming a constable.

(5) Inefficiency or incompetence.

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

(b) Complaint.--A person may file with the board a written complaint, sworn to by the complainant, alleging that a constable's or deputy constable's certificate should be revoked or suspended for one or more of the reasons listed in subsection (a). The board may also investigate or cause to be investigated the conduct of a constable or deputy constable and file a written statement of the allegations.

1 (c) Notice.--If the board decides there is a prima facie
2 case supporting the allegations, the board shall give the
3 subject of the complaint written notice of the allegations and
4 the time and place of the hearing on the complaint. The hearing
5 shall not be held less than 30 days after the subject of the
6 complaint is given notice.

7 (d) Procedure.--The board shall by regulation establish
8 procedures for investigating complaints and conducting hearings
9 under this section. The board shall conduct background
10 investigations upon newly elected constables and their appointed
11 deputies.

12 (e) Rights of respondent.--The subject of the complaint
13 shall have the right to appear either personally or by counsel,
14 or both, to produce witnesses and evidence on his own behalf, to
15 cross-examine witnesses and to have subpoenas issued on his
16 behalf by the board or its designee.

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

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