

---

THE GENERAL ASSEMBLY OF PENNSYLVANIA

---

HOUSE BILL

No. 1607 Session of  
2009

---

INTRODUCED BY CALTAGIRONE, BRENNAN, DALLY, W. KELLER, BEYER,  
BRADFORD, CASORIO, CLYMER, CREIGHTON, DALEY, DAY, EACHUS,  
J. EVANS, GRELL, GROVE, KULA, MANN, MILNE, MOUL, MURT,  
PASHINSKI, PICKETT, READSHAW, SANTONI, SIPTROTH, SOLOBAY,  
STABACK, SWANGER, VULAKOVICH, WATSON, YOUNGBLOOD AND WALKO,  
JUNE 3, 2009

---

REFERRED TO COMMITTEE ON JUDICIARY, JUNE 3, 2009

---

AN ACT

1 Amending Titles 42 (Judiciary and Judicial Procedure), 44 (Law  
2 and Justice) and 75 (Vehicles) of the Pennsylvania  
3 Consolidated Statutes, consolidating the law relating to  
4 constables; making editorial changes; and making related  
5 repeals.

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

8 Section 1. Subchapter C of Chapter 29 of Title 42 of the  
9 Pennsylvania Consolidated Statutes is repealed:

10 [SUBCHAPTER C

11 CONSTABLES

- 12 2941. Definitions.  
13 2942. Conduct and insurance.  
14 2943. Board established.  
15 2944. Program established.  
16 2945. Program contents.  
17 2946. Continuing education.

1 2947. Automatic certification.

2 2948. Use of firearms.

3 2949. Restricted account.

4 2950. Fees.

5 § 2941. Definitions.

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

9 "Account." The Constables' Education and Training Account  
10 established in section 2949 (relating to restricted account).

11 "Board." The Constables' Education and Training Board  
12 established in section 2943 (relating to board established).

13 "Commission." The Pennsylvania Commission on Crime and  
14 Delinquency of the Commonwealth.

15 "Court." The minor judiciary or any other court in this  
16 Commonwealth.

17 "Judicial duties." Those services specified in section 2950  
18 (relating to fees).

19 "Term of office of a deputy constable." The term of office  
20 of the constable who appointed him.

21 § 2942. Conduct and insurance.

22 (a) Certification.--After the establishment, implementation  
23 and administration of the Constables' Education and Training  
24 Program created under sections 2944 (relating to program  
25 established) and 2945 (relating to program contents), no  
26 constable or deputy constable shall perform any judicial duties  
27 nor demand or receive any fee, surcharge or mileage provided by  
28 this subchapter unless he has been certified under this  
29 subchapter.

30 (b) Liability insurance.--Every constable and deputy

1 constable must file with the clerk of courts proof that he has,  
2 currently in force, a policy of professional liability insurance  
3 covering each individual in the performance of his judicial  
4 duties with a minimum coverage of \$250,000 per incident and a  
5 minimum aggregate of \$500,000 per year. However, no constable or  
6 deputy constable shall be required to file such proof until six  
7 months after the effective date of this act. The Constables'  
8 Education and Training Board shall immediately investigate and  
9 implement the most cost-effective method of achieving liability  
10 insurance for constables and deputy constables under this  
11 subsection.

12 (c) Loss of certification.--Any constable or deputy  
13 constable who fails, neglects or refuses to maintain a current  
14 insurance policy as required by subsection (b) or to file proof  
15 thereof with the clerk of courts shall cease automatically to be  
16 certified to perform judicial duties upon the expiration of the  
17 policy of which proof has been filed with the clerk of courts.

18 (d) Recertification.--Any constable or deputy constable who  
19 ceases to be certified to perform judicial duties as a result of  
20 the operation of subsection (c) may later be recertified  
21 immediately by filing with the clerk of courts proof that such  
22 insurance has been in force continuously since the officer was  
23 last certified to perform judicial duties. In the case of a  
24 violation of subsection (c), the individual may be recertified  
25 by complying with subsection (b).

26 (e) Limitations on liability.--The provisions of this  
27 subchapter shall not be deemed to impose respondeat superior  
28 liability on any county.

29 (f) Conduct.--While a constable or deputy constable is  
30 performing duties other than judicial duties, regardless of

1 whether or not he is certified under this subchapter, he shall  
2 not in any manner hold himself out to be active as an agent,  
3 employee or representative of any court, magisterial district  
4 judge or judge.

5 § 2943. Board established.

6 (a) Board created.--There is hereby established within the  
7 commission an advisory board to be known as the Constables'  
8 Education and Training Board.

9 (b) Composition.--The board shall be composed of the  
10 Pennsylvania State Police Commissioner or his designee and six  
11 other members appointed by the Governor with the consent of a  
12 majority of the members of the Senate:

13 (1) Three persons who shall be constables.

14 (2) One person who shall be a magisterial district  
15 judge.

16 (3) One person who shall be a court administrator.

17 (4) One person who shall be a county commissioner.

18 (c) Appointments and terms.--Members shall serve for three-  
19 year terms and may be appointed for more than one additional  
20 consecutive term. If a member who serves by virtue of public  
21 office ceases to represent the class to which he was appointed,  
22 his membership in the commission shall terminate immediately,  
23 and a new member shall be appointed in the same manner as his  
24 predecessor to fill the unexpired portion of the term. No  
25 constable may be appointed, be reappointed or serve as a board  
26 member unless he is certified under this subchapter.

27 (d) Vacancy.--A member appointed to fill a vacancy created  
28 by any reason other than expiration of a term shall be appointed  
29 for the unexpired term of the member whom he is to succeed in  
30 the same manner as the original appointment.

1 (e) Expenses.--The members of the board shall serve without  
2 compensation but shall be reimbursed the necessary and actual  
3 expenses incurred in attending meetings of the board and in the  
4 performance of their duties under this subchapter.

5 (f) Removal.--Members of the board may be removed by the  
6 appointing authority for good cause upon written notice from the  
7 appointing authority specifically setting forth the cause for  
8 removal.

9 (g) Chairman elected.--The members of the board shall elect  
10 a chairman from among the members to serve for a period of one  
11 year. A chairman may be elected to serve successive terms. The  
12 Governor shall designate the first chairman for organizational  
13 purposes only.

14 (h) Meetings.--The chairman shall summon the members of the  
15 board to the first meeting within 30 days after his appointment  
16 or within 30 days after the appointment of a sufficient number  
17 of members to constitute a quorum, whichever is later. The board  
18 shall meet as often as it deems necessary but at least four  
19 times each year. Meetings may be called by the chairman of the  
20 board or by any four members thereof, in either case upon at  
21 least ten days' written notice to all members of the board. A  
22 quorum shall consist of four members.

23 § 2944. Program established.

24 The board, with the review and approval of the commission,  
25 shall:

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

29 (2) Establish, implement and administer requirements for  
30 the minimum courses of study and training for constables and

1 deputy constables.

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

5 (4) Establish, implement and administer requirements for  
6 a continuing education program for constables and deputy  
7 constables concerning subjects the board may deem necessary  
8 and appropriate for the continued education and training of  
9 constables and deputy constables.

10 (5) Approve or revoke the approval of any school which  
11 may be utilized for the educational and training requirements  
12 of this subchapter.

13 (6) Establish the minimum qualifications for instructors  
14 and certify instructors.

15 (7) Consult, cooperate and contract with universities,  
16 colleges, law schools, community colleges and institutes for  
17 the development of basic and continuing education courses for  
18 constables and deputy constables.

19 (8) Promote the most efficient and economical program  
20 for constable and deputy constable training by utilizing  
21 existing facilities, programs and qualified State and local  
22 personnel.

23 (9) Certify constables and deputy constables who have  
24 satisfactorily completed the basic and continuing education  
25 and training requirements of this subchapter and issue  
26 appropriate certificates to them.

27 (10) Make rules and regulations and perform other duties  
28 as may be reasonably necessary or appropriate to administer  
29 the education and training program for constables and deputy  
30 constables.

1           (11) In consultation with the Insurance Commissioner,  
2 monitor the price and availability of the liability insurance  
3 required by section 2942(b) (relating to conduct and  
4 insurance) and, if deemed necessary by the board, provide  
5 information and coordination to assure the availability and  
6 competitive pricing of such insurance.

7           (12) Make an annual report to the Governor and to the  
8 General Assembly concerning:

9           (i) The administration of the Constables' Education  
10 and Training Program.

11           (ii) The activities of the board.

12           (iii) The costs of the program.

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

14 § 2945. Program contents.

15       The Constables' Education and Training Program shall include  
16 training for a total of 80 hours, the content of which shall be  
17 determined by regulation. The training shall include instruction  
18 in the interpretation and application of the fees provided for  
19 in section 2950 (relating to fees). Any constable or deputy  
20 constable who is in office as of the effective date of this  
21 subchapter shall be afforded one and only one opportunity prior  
22 to the expiration of his current term to satisfactorily complete  
23 this program by examination without the necessity of class  
24 attendance.

25 § 2946. Continuing education.

26       The board, with the review and approval of the commission,  
27 shall establish a mandatory continuing education program for  
28 constables and deputy constables, which shall include no more  
29 than 40 hours per year, concerning subjects the board may deem  
30 necessary and appropriate for the continued education and

1 training of constables and deputy constables.

2 § 2947. Automatic certification.

3 All constables and deputy constables who are in office as of  
4 the effective date of this subchapter shall be deemed to be  
5 certified under and in compliance with sections 2945 (relating  
6 to program contents) and 2946 (relating to continuing education)  
7 for the balance of their current term of office or until the  
8 constables and deputy constables have been provided an  
9 opportunity to complete the education and training in accordance  
10 with section 2945 or 2946, whichever is sooner.

11 § 2948. Use of firearms.

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

18 (b) Certification and qualification.--Until such time as the  
19 board establishes the standards pursuant to subsection (a), no  
20 constable or deputy constable shall carry or use a firearm in  
21 the performance of any duties unless he is currently certified  
22 or qualified in firearms under at least one of the following:

23 (1) The act of June 18, 1974 (P.L.359, No.120), referred  
24 to as the Municipal Police Education and Training Law.

25 (2) The act of October 10, 1974 (P.L.705, No.235), known  
26 as the Lethal Weapons Training Act.

27 (3) The act of February 9, 1984 (P.L.3, No.2), known as  
28 the Deputy Sheriffs' Education and Training Act.

29 (c) Availability.--In accordance with subsection (b), the  
30 firearms portion of the education and training under the listed



1 laws shall be made available to constables and deputy  
2 constables.

3 § 2949. Restricted account.

4 (a) Account established.--There is hereby established a  
5 special restricted account within the General Fund, which shall  
6 be known as the Constables' Education and Training Account, for  
7 the purposes of financing training program expenses, the costs  
8 of administering the program and all other costs associated with  
9 the activities of the board and the implementation of this  
10 subchapter and as provided under subsection (f).

11 (b) Surcharge.--There is hereby assessed as a cost in each  
12 case before a magisterial district judge a surcharge of \$5 per  
13 docket number in each criminal case and \$5 per named defendant  
14 in each civil case in which a constable or deputy constable  
15 performs a service provided in this subchapter, except that no  
16 county shall be required to pay this surcharge on behalf of any  
17 indigent or other defendant in a criminal case.

18 (c) Disposition of funds.--The surcharges collected under  
19 subsection (b), if collected by a constable or deputy constable  
20 shall be turned over within one week to the issuing authority.  
21 The issuing authority shall remit the same to the Department of  
22 Revenue for deposit into the account.

23 (d) Disbursements.--Disbursements from the account shall be  
24 made by the commission.

25 (e) Audit.--The Auditor General shall conduct an audit of  
26 the account as he may deem necessary or advisable from time to  
27 time, but not less than once every three years.

28 (f) Fund surplus.--If account moneys are sufficient to meet  
29 the expenses and costs under subsection (a), the commission may  
30 allocate any surplus funds in the account to assist constables

1 and deputy constables with costs associated with attendance at  
2 continuing education programs under section 2946 (relating to  
3 continuing education).

4 § 2950. Fees.

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

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

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

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

1 ejectment, respectively.

2 (e) Payment.--All civil, landlord-tenant and criminal fees  
3 shall be paid by the court to the constable as soon as possible  
4 and in no case not more than 15 days in civil and landlord-  
5 tenant cases and 30 days in criminal cases after the service is  
6 performed and a proper request for payment is submitted,  
7 provided that, in criminal cases where the books and accounts of  
8 the relevant county offices are payable on a monthly basis,  
9 payment shall be made not more than 15 days after the close of  
10 the month.

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

13 (1) For serving complaint, summons or notice on suitor  
14 or tenant, either personally or by leaving a copy, \$13, plus  
15 \$5 for each additional defendant at the same address, \$2.50  
16 for each return of service, plus mileage.

17 (2) For levying goods, including schedule of property  
18 levied upon and set aside, notice of levy and return of  
19 service, \$75, plus mileage.

20 (3) For advertising personal property for public sale,  
21 \$7 per posting (maximum of \$21), plus mileage, plus actual  
22 cost of advertising.

23 (4) For selling goods levied, clerk, receipts and  
24 returns to court, \$85, plus mileage.

25 (5) For making return of not found, \$13, plus mileage.  
26 Payment shall be limited to three returns of not found.

27 (6) For executing order of possession, \$13, plus \$5 for  
28 each additional defendant at the same address, \$2.50 for each  
29 return of service, plus mileage.

30 (7) For ejectment, \$90, \$2.50 for each return of

1 service, plus mileage.

2 (8) For making any return of service other than not  
3 found, \$2.50 each.

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

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

12 (g) Criminal cases.--Fees in criminal cases shall be as  
13 follows:

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

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

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

21 (4) For attendance at arraignment or hearing, \$13.

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

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

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

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

26 (9) Transporting each nonincarcerated defendant to jail,  
27 \$17, plus mileage; transporting an incarcerated prisoner, \$38  
28 per prisoner, plus an hourly rate of \$13 per hour, plus  
29 mileage. Computation of hourly rate will apply after the  
30 expiration of the first hour per prisoner per hour, not to

1 exceed \$26 per hour per constable.

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

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

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

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

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

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

25 (16) In all criminal cases wherein the defendant is  
26 discharged or indigent or the case is otherwise dismissed,  
27 the court shall assess to the county the fee provided in this  
28 section, except that in cases of private criminal complaints  
29 wherein the defendant is discharged prior to the indictment  
30 or the filing of any information or the case is otherwise

1 dismissed at the summary offense hearing, the court shall  
2 assess the fee to the affiant.

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

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

14 Section 2. Title 44 is amended by adding a part to read:

15 PART IV

16 OTHER OFFICERS

17 Chapter

18 71. Constables

19 CHAPTER 71

20 CONSTABLES

21 Subchapter

22 A. Preliminary Provisions

23 B. Election

24 C. Appointment

25 D. Conflicts

26 E. Training

27 F. Powers and Duties

28 G. Compensation

29 H. Penalties and Remedies

30 SUBCHAPTER A

1 PRELIMINARY PROVISIONS

2 Sec.

3 7101. Scope.

4 7102. Definitions.

5 7103. Cities of the first class.

6 § 7101. Scope.

7 This chapter relates to constables.

8 § 7102. Definitions.

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

12 "Livestock." Cattle, horses, sheep, goats and swine of every  
13 age and sex.

14 § 7102. Cities of the first class.

15 As of February 10, 1970, the office of constable is abolished  
16 in cities of the first class and the terms of office of  
17 incumbents are terminated.

18 SUBCHAPTER B

19 ELECTION

20 Sec.

21 7111. Term of office.

22 7112. Cities of the second and third classes.

23 7113. Boroughs.

24 7114. Townships.

25 § 7111. Term of office.

26 The term of a constable in a city of the second class, city  
27 of the second class A, city of the third class, borough,  
28 incorporated town or township is six years.

29 § 7112. Cities of the second and third classes.

30 The qualified voters of each ward in a city of the second or

1 third class, on the third Tuesday of February, 1890, and every  
2 three years thereafter, shall elect a properly qualified person  
3 for constable in each ward.

4 § 7113. Boroughs.

5 (a) General rule.--Except as provided in subsection (b), the  
6 qualified voters of every borough shall, on the third Tuesday of  
7 February, 1896, vote for and elect a properly qualified person  
8 for constable.

9 (b) Boroughs divided into wards.--The qualified voters of  
10 every borough divided into wards shall, on the third Tuesday of  
11 February, 1896, vote for and elect a properly qualified person  
12 for constable in each ward and a properly constable for high  
13 constable in the borough.

14 § 7114. Townships.

15 (a) Election.--The following shall apply:

16 (1) The qualified voters of every township, on the third  
17 Tuesday of February, 1896, shall vote for and elect a  
18 properly qualified person for constable.

19 (2) At the general municipal election of the year 1911,  
20 and every four years thereafter, the qualified electors of  
21 each township of the first class may vote for and elect a  
22 properly qualified person to serve as constable, in addition  
23 to the constable elected under paragraph (1).

24 (b) Procedure upon election; penalty.--Every person elected  
25 to the office of constable in a township shall appear in court  
26 on the first day of the next court of common pleas of the same  
27 county to accept or decline the office. A person who neglects or  
28 refuses to appear, after having been duly notified of the  
29 election, shall forfeit to the township the sum of \$40 to be  
30 levied by order of the court.



1 (c) Bond.--The bond given by a constable in a township shall  
2 be in a sum not less than \$500 nor more than \$3,000, as the  
3 court shall direct, and shall be taken by the clerk of the court  
4 in the name of the Commonwealth, with conditions for just and  
5 faithful discharge by the constable of the duties of office. The  
6 bond shall be held in trust for the use and benefit of persons  
7 who may sustain injury by reason of neglect of duty, and for the  
8 same purposes and uses as a sheriff's bond.

9 SUBCHAPTER C

10 APPOINTMENT

11 § 7121. Constables.

12 When a vacancy occurs in the office of constable, regardless  
13 of the reason for the vacancy, the court of common pleas of the  
14 county of the vacancy, upon petition of not less than ten  
15 qualified electors residing in the borough, city, ward or  
16 township of the vacancy, shall appoint a suitable person, who,  
17 upon being qualified as required by law, shall serve as the  
18 constable for the unexpired term of the vacancy.

19 § 7122. Deputy constables.

20 (a) General rule.--Sole power to appoint deputy constables  
21 in a ward, borough or township is vested in the constable of the  
22 ward, borough or township, subject to approval of the court of  
23 common pleas under subsection (b). No person shall be appointed  
24 as a deputy constable unless, at the time of appointment, he is  
25 a bona fide resident of the ward, borough or township for which  
26 he is appointed and he continues to be a bona fide resident for  
27 the duration of the appointment.

28 (b) Court approval and qualifications.--

29 (1) Except as set forth in paragraph (2), no deputy  
30 shall be appointed, either by general or partial

1 deputization, without approbation of the Court of Common  
2 Pleas of the county, except for special appointments in a  
3 civil suit or proceeding, at the request and risk of the  
4 plaintiff or his agent. If a deputy no longer resides in, or  
5 ceases to be a qualified elector of, the ward in which he was  
6 appointed to serve, the Court of Common Pleas may revoke the  
7 appointment of the deputy upon petition of five duly  
8 qualified electors of the ward and proof of facts requiring  
9 revocation.

10 (2) In the event of a deputy's death or inability or  
11 refusal to act, the constable of a township may, with  
12 approbation of the Court of Common Pleas of the county where  
13 the deputy served, appoint another deputy who shall have full  
14 authority to act until the next regular session of court. The  
15 constable and his surety shall be liable for acts of the  
16 deputy as in other cases. The constable shall file a written  
17 copy of the deputization in the office of the Clerk of Courts  
18 of the county where the constable serves.

19 (c) Certain provisions relating to boroughs unaffected.--

20 This section does not affect the provisions of section 14 of the  
21 act of June 28, 1923 (P.L.903, No.348), entitled "A supplement  
22 to an act, approved the fourteenth day of May, one thousand nine  
23 hundred and fifteen (Pamphlet Laws, three hundred and twelve),  
24 entitled 'An act providing a system for government of boroughs,  
25 and revising, amending, and consolidating the law relating to  
26 boroughs'; so as to provide a system of government where a  
27 borough now has annexed or hereafter shall annex land in an  
28 adjoining county, including assessment of property, levying and  
29 collection of taxes, making municipal improvements, and filing  
30 and collecting of liens for the same; the jurisdiction of courts

1 for the enforcement of borough ordinances and State laws, and  
2 primary, general, municipal, and special elections; and  
3 repealing inconsistent laws."

4 SUBCHAPTER D

5 CONFLICTS

6 § 7131. Public office.

7 (a) General rule.--Except as set forth in subsection (b), it  
8 shall be unlawful for a constable to hold or exercise the office  
9 of magisterial district judge or alderman.

10 (b) Exceptions.--Nothing in this section or in any other law  
11 or court rule shall be construed to prohibit a constable from:

12 (1) being an officer of a political body or political  
13 party as those terms are defined in the act of June 3, 1937

14 (P.L.1333, No.320), known as the Pennsylvania Election Code;

15 (2) holding the office of a national, State or county  
16 committee of a political party;

17 (3) running for and holding an elective office; or

18 (4) participating in election day activities.

19 § 7132. Police officers.

20 (a) Constable employed as policeman not to accept other fees  
21 in addition to salary.--Except for public rewards and legal  
22 mileage allowed to a constable for traveling expenses, and  
23 except as provided in subsection (b), it is unlawful for a  
24 constable who is also employed as a policeman to charge or  
25 accept a fee or other compensation, other than his salary as a  
26 policeman, for services rendered or performed pertaining to his  
27 office or duties as a policeman or constable.

28 (b) Exception.--Unless prevented from doing so by the  
29 operation of the civil service provisions of the act of February  
30 1, 1966 (1965 P.L.1656, No.581), known as The Borough Code,

1 borough policemen who reside in the borough may hold and  
2 exercise the office of constable in the borough, or in any ward  
3 thereof, and receive all costs, fees and emoluments pertaining  
4 to such office.

5 SUBCHAPTER E

6 TRAINING

7 Sec.

8 7141. Definitions.

9 7142. Conduct and insurance.

10 7143. Board established.

11 § 7141. Definitions.

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

15 "Account." The Constables' Education and Training Account  
16 established in section 7149 (relating to restricted account).

17 "Board." The Constables' Education and Training Board  
18 established in section 7143 (relating to board established).

19 "Commission." The Pennsylvania Commission on Crime and  
20 Delinquency of the Commonwealth.

21 "Court." The minor judiciary or any other court in this  
22 Commonwealth.

23 "Judicial duties." Those services specified in section 7161  
24 (relating to fees).

25 "Term of office of a deputy constable." The term of office  
26 of the constable who appointed him.

27 § 7142. Conduct and insurance.

28 (a) Certification.--After the establishment, implementation  
29 and administration of the Constables' Education and Training  
30 Program created under sections 7144 (relating to program

1 established) and 7145 (relating to program contents), no  
2 constable or deputy constable shall perform any judicial duties  
3 nor demand or receive any fee, surcharge or mileage provided by  
4 this subchapter unless he has been certified under this  
5 subchapter.

6 (b) Liability insurance.--Every constable and deputy  
7 constable must file with the clerk of courts proof that he has,  
8 currently in force, a policy of professional liability insurance  
9 covering each individual in the performance of his judicial  
10 duties with a minimum coverage of \$250,000 per incident and a  
11 minimum aggregate of \$500,000 per year. However, no constable or  
12 deputy constable shall be required to file such proof until  
13 December 15, 1994. The Constables' Education and Training Board  
14 shall immediately investigate and implement the most cost-  
15 effective method of achieving liability insurance for constables  
16 and deputy constables under this subsection.

17 (c) Loss of certification.--Any constable or deputy  
18 constable who fails, neglects or refuses to maintain a current  
19 insurance policy as required by subsection (b) or to file proof  
20 thereof with the clerk of courts shall cease automatically to be  
21 certified to perform judicial duties upon the expiration of the  
22 policy of which proof has been filed with the clerk of courts.

23 (d) Recertification.--Any constable or deputy constable who  
24 ceases to be certified to perform judicial duties as a result of  
25 the operation of subsection (c) may later be recertified  
26 immediately by filing with the clerk of courts proof that such  
27 insurance has been in force continuously since the officer was  
28 last certified to perform judicial duties. In the case of a  
29 violation of subsection (c), the individual may be recertified  
30 by complying with subsection (b).

1 (e) Limitations on liability.--The provisions of this  
2 subchapter shall not be deemed to impose respondeat superior  
3 liability on any county.

4 (f) Conduct.--While a constable or deputy constable is  
5 performing duties other than judicial duties, regardless of  
6 whether or not he is certified under this subchapter, he shall  
7 not in any manner hold himself out to be active as an agent,  
8 employee or representative of any court, magisterial district  
9 judge or judge.

10 § 7143. Board established.

11 (a) Board created.--There is established within the  
12 commission an advisory board to be known as the Constables'  
13 Education and Training Board.

14 (b) Composition.--The board shall be composed of the  
15 Pennsylvania State Police Commissioner or his designee and six  
16 other members appointed by the Governor with the consent of a  
17 majority of the members of the Senate:

18 (1) Three persons who shall be constables.

19 (2) One person who shall be a magisterial district  
20 judge.

21 (3) One person who shall be a court administrator.

22 (4) One person who shall be a county commissioner.

23 (c) Appointments and terms.--Members shall serve for three-  
24 year terms and may be appointed for more than one additional  
25 consecutive term. If a member who serves by virtue of public  
26 office ceases to represent the class to which he was appointed,  
27 his membership in the commission shall terminate immediately,  
28 and a new member shall be appointed in the same manner as his  
29 predecessor to fill the unexpired portion of the term. No  
30 constable may be appointed, be reappointed or serve as a board

1 member unless he is certified under this subchapter.

2 (d) Vacancy.--A member appointed to fill a vacancy created  
3 by any reason other than expiration of a term shall be appointed  
4 for the unexpired term of the member whom he is to succeed in  
5 the same manner as the original appointment.

6 (e) Expenses.--The members of the board shall serve without  
7 compensation but shall be reimbursed the necessary and actual  
8 expenses incurred in attending meetings of the board and in the  
9 performance of their duties under this subchapter.

10 (f) Removal.--Members of the board may be removed by the  
11 appointing authority for good cause upon written notice from the  
12 appointing authority specifically setting forth the cause for  
13 removal.

14 (g) Chairman elected.--The members of the board shall elect  
15 a chairman from among the members to serve for a period of one  
16 year. A chairman may be elected to serve successive terms. The  
17 Governor shall designate the first chairman for organizational  
18 purposes only.

19 (h) Meetings.--The chairman shall summon the members of the  
20 board to the first meeting within 30 days after his appointment  
21 or within 30 days after the appointment of a sufficient number  
22 of members to constitute a quorum, whichever is later. The board  
23 shall meet as often as it deems necessary but at least four  
24 times each year. Meetings may be called by the chairman of the  
25 board or by any four members thereof, in either case upon at  
26 least ten days' written notice to all members of the board. A  
27 quorum shall consist of four members.

28 § 7144. Program established.

29 The board, with the review and approval of the commission,  
30 shall:

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

4       (2) Establish, implement and administer requirements for  
5 the minimum courses of study and training for constables and  
6 deputy constables.

7       (3) Establish, implement and administer requirements for  
8 courses of study and in-service training for constables and  
9 deputy constables.

10       (4) Establish, implement and administer requirements for  
11 a continuing education program for constables and deputy  
12 constables concerning subjects the board may deem necessary  
13 and appropriate for the continued education and training of  
14 constables and deputy constables.

15       (5) Approve or revoke the approval of any school which  
16 may be utilized for the educational and training requirements  
17 of this subchapter.

18       (6) Establish the minimum qualifications for instructors  
19 and certify instructors.

20       (7) Consult, cooperate and contract with universities,  
21 colleges, law schools, community colleges and institutes for  
22 the development of basic and continuing education courses for  
23 constables and deputy constables.

24       (8) Promote the most efficient and economical program  
25 for constable and deputy constable training by utilizing  
26 existing facilities, programs and qualified State and local  
27 personnel.

28       (9) Certify constables and deputy constables who have  
29 satisfactorily completed the basic and continuing education  
30 and training requirements of this subchapter and issue



1 appropriate certificates to them.

2 (10) Make rules and regulations and perform other duties  
3 as may be reasonably necessary or appropriate to administer  
4 the education and training program for constables and deputy  
5 constables.

6 (11) In consultation with the Insurance Commissioner,  
7 monitor the price and availability of the liability insurance  
8 required by section 7142(b) (relating to conduct and  
9 insurance) and, if deemed necessary by the board, provide  
10 information and coordination to assure the availability and  
11 competitive pricing of such insurance.

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

14 (i) The administration of the Constables' Education  
15 and Training Program.

16 (ii) The activities of the board.

17 (iii) The costs of the program.

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

19 § 7145. Program contents.

20 The Constables' Education and Training Program shall include  
21 training for a total of 80 hours, the content of which shall be  
22 determined by regulation. The training shall include instruction  
23 in the interpretation and application of the fees provided for  
24 in section 7161 (relating to fees). Any constable or deputy  
25 constable who is in office as of June 15, 1994, shall be  
26 afforded one and only one opportunity prior to the expiration of  
27 his current term to satisfactorily complete this program by  
28 examination without the necessity of class attendance.

29 § 7146. Continuing education.

30 The board, with the review and approval of the commission,

1 shall establish a mandatory continuing education program for  
2 constables and deputy constables, which shall include no more  
3 than 40 hours per year, concerning subjects the board may deem  
4 necessary and appropriate for the continued education and  
5 training of constables and deputy constables.

6 § 7147. Automatic certification.

7 All constables and deputy constables who are in office as of  
8 June 15, 1994, shall be deemed to be certified under and in  
9 compliance with sections 7145 (relating to program contents) and  
10 7146 (relating to continuing education) for the balance of their  
11 current term of office or until the constables and deputy  
12 constables have been provided an opportunity to complete the  
13 education and training in accordance with section 7145 or 7146,  
14 whichever is sooner.

15 § 7148. Use of firearms.

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

22 (b) Certification and qualification.--Until such time as the  
23 board establishes the standards under subsection (a), no  
24 constable or deputy constable shall carry or use a firearm in  
25 the performance of any duties unless he is currently certified  
26 or qualified in firearms under at least one of the following:

27 (1) The former act of June 18, 1974 (P.L.359, No.120),  
28 referred to as the Municipal Police Education and Training  
29 Law.

30 (2) The act of October 10, 1974 (P.L.705, No.235), known

1 as the Lethal Weapons Training Act.

2 (3) The act of February 9, 1984 (P.L.3, No.2), known as  
3 the Deputy Sheriffs' Education and Training Act.

4 (c) Availability.--In accordance with subsection (b), the  
5 firearms portion of the education and training under the listed  
6 laws shall be made available to constables and deputy  
7 constables.

8 § 7149. Restricted account.

9 (a) Account established.--There is established a special  
10 restricted account within the General Fund, which shall be known  
11 as the Constables' Education and Training Account, for the  
12 purposes of financing training program expenses, the costs of  
13 administering the program and all other costs associated with  
14 the activities of the board and the implementation of this  
15 subchapter and as provided under subsection (f).

16 (b) Surcharge.--There is assessed as a cost in each case  
17 before a magisterial district judge a surcharge of \$5 per docket  
18 number in each criminal case and \$5 per named defendant in each  
19 civil case in which a constable or deputy constable performs a  
20 service provided in this subchapter, except that no county shall  
21 be required to pay this surcharge on behalf of any indigent or  
22 other defendant in a criminal case.

23 (c) Disposition of funds.--The surcharges collected under  
24 subsection (b), if collected by a constable or deputy constable,  
25 shall be turned over within one week to the issuing authority.  
26 The issuing authority shall remit the same to the Department of  
27 Revenue for deposit into the account.

28 (d) Disbursements.--Disbursements from the account shall be  
29 made by the commission.

30 (e) Audit.--The Auditor General shall conduct an audit of

1 the account as he may deem necessary or advisable, from time to  
2 time, but not less than once every three years.

3 (f) Fund surplus.--If account money are sufficient to meet  
4 the expenses and costs under subsection (a), the commission may  
5 allocate any surplus funds in the account to assist constables  
6 and deputy constables with costs associated with attendance at  
7 continuing education programs under section 7146 (relating to  
8 continuing education).

9 SUBCHAPTER F

10 POWERS AND DUTIES

11 Sec.

12 7151. General imposition of duties and grant of powers.

13 7152. Elections.

14 7153. Service of process.

15 7154. Collection of taxes.

16 7155. Arrest of offenders against forest laws.

17 7156. Executions.

18 7157. Returns and appearance.

19 7158. Arrest in boroughs.

20 7159. Trespassing livestock.

21 7159.1. Sale of trespassing livestock.

22 § 7151. General imposition of duties and grant of powers.

23 Constables shall perform all duties authorized or imposed on  
24 them by statute. All rules and regulations limiting the powers  
25 of constables or suspending any statute relating to powers are  
26 repealed in so far as they are inconsistent with this section.

27 § 7152. Elections.

28 The constable of a borough, township or ward, or his deputy,  
29 shall do all of the following:

30 (1) Be present at the polling place in each election

1 district of the borough, township or ward at each election  
2 during the continuance of each election and while the votes  
3 are being counted, for the purpose of preserving the peace.

4 (2) Serve at all elections.

5 § 7153. Service of process.

6 If no coroner is in commission to serve process in a suit  
7 instituted in a court of this Commonwealth in which the sheriff  
8 of a county may be a party, a constable in the county where the  
9 process has been issued may serve as the coroner and perform the  
10 authorized duties of the coroner.

11 § 7154. Collection of taxes.

12 (a) Bond.--It shall be unlawful for a tax collector to do  
13 any of the following:

14 (1) Give a warrant against delinquent tax payers to a  
15 constable unless the constable has given security by bond and  
16 warrant, with two sufficient sureties and to the satisfaction  
17 of the Court of Common Pleas, in the sum of \$5,000.

18 (2) Give a constable, at any one time, warrants for a  
19 greater amount of taxes than the amount of the bond required  
20 under paragraph (1).

21 (b) Report and payment.--A constable shall make a report and  
22 payment of all collections on warrants under subsection (a) at  
23 least once in every week after the warrants have been issued.

24 (c) Interest.--In addition to any commissions that may be  
25 imposed for the collection of taxes, all taxes remaining unpaid  
26 on the first day of January after the year for which they were  
27 assessed shall accrue interest until they are paid.

28 § 7155. Arrest of offenders against forest laws.

29 If a person is detected by a constable in the act of  
30 trespassing upon any forest or timber land within this

1 Commonwealth, under circumstances as to warrant reasonable  
2 suspicion that the person has, is or may commit an offense  
3 against any law for the protection of forests and timber land,  
4 the constable may, without first procuring a warrant, arrest the  
5 person.

6 § 7156. Executions.

7 (a) Debt, interests and costs.--The debt, interest and costs  
8 of a writ of execution delivered to a constable shall be entered  
9 into the docket of a magisterial district court and on the back  
10 of the writ of execution. A constable may not be discharged from  
11 the writ of execution unless he provides to the magisterial  
12 district judge on or before the return day of the writ of  
13 execution the receipt of the plaintiff or any other legally  
14 sufficient return.

15 (b) Invalid returns.--If a constable makes a false return,  
16 does not produce the plaintiff's receipt on the return day or  
17 makes a return deemed insufficient by the magisterial district  
18 judge, the magisterial district judge shall issue a summons to  
19 the constable to appear on the designated day, which may not be  
20 more than eight days from the date of issuance, to show cause  
21 why a writ of execution should not be issued against the  
22 constable for the amount of the writ of execution under  
23 subsection (a). If the constable does not appear or does not  
24 show sufficient cause why the writ of execution should not be  
25 issued against him, the magisterial district judge shall enter  
26 judgment against the constable for the amount of the writ of  
27 execution under subsection (a) with costs. No stay may be  
28 entered upon the writ of execution and upon application of the  
29 plaintiff or his agent, the magisterial district judge shall  
30 issue an execution against the constable for the amount of the

1 judgment, which may be directed to an authorized person. The  
2 summons under this subsection shall be issued to an authorized  
3 person to serve. If the summons is not served, that person shall  
4 pay a fine of \$20. If an authorized person cannot be  
5 conveniently found to serve the summons, the magisterial  
6 district judge shall direct it to the supervisor of the highways  
7 of the township, ward or district where the constable resides,  
8 whose shall serve the summons or pay a penalty of \$20.

9 (c) Insolvent debtors.--Nothing in this section shall affect  
10 proceedings regarding insolvent debtors and their discharge on a  
11 full surrender of their property.

12 § 7157. Returns and appearance.

13 (a) Returns.--In a county of the sixth, seventh or eighth  
14 class, a constable is not required to make a return, if required  
15 by law, to the court of common pleas if the constable has no  
16 information to impart in the return.

17 (b) Appearance.--A court may summon a constable to appear  
18 before it and direct the constable to investigate a complaint of  
19 a violation of law or of a condition which a constable is  
20 required to report to the court and to make a report of his  
21 investigation.

22 § 7158. Arrest in boroughs.

23 In addition to any other powers granted under law, a  
24 constable of a borough shall, without warrant and upon view,  
25 arrest and commit for hearing any person who:

26 (1) Is guilty of a breach of the peace, vagrancy,  
27 riotous or disorderly conduct or drunkenness.

28 (2) May be engaged in the commission of any unlawful act  
29 tending to imperil the personal security or endanger the  
30 property of the citizens.

1           (3) Violates any ordinance of the borough for which a  
2           fine or penalty is imposed.  
3           § 7159. Trespassing livestock.

4           (a) In general.--An owner or tenant of an enclosed or  
5           unenclosed, improved land in this Commonwealth who discovers  
6           trespassing livestock shall notify the constable of the  
7           township, borough or ward in which the improved land lies. If  
8           the constable of the township, borough or ward is unavailable or  
9           unable to assist, the owner or tenant shall notify the constable  
10           of the county. The following shall apply:

11           (1) The constable shall impound the livestock either  
12           with the owner or tenant of the land if the owner, and the  
13           tenant if one exists, agree or with another individual or  
14           entity that the constable may deem best situated to care for  
15           the livestock.

16           (2) All reasonable costs of keeping the livestock shall  
17           be part of the costs of care.

18           (b) Notification.--The owner of the livestock shall be  
19           notified in the following manner:

20           (1) If the owner is known and resides within the county  
21           where the trespass has been committed, the constable shall  
22           give written notice to the owner that the livestock has been  
23           impounded, the location of the livestock and the name of the  
24           owner of the land where the livestock trespassed. Notice  
25           shall be given within 24 hours of impounding in accordance  
26           with the Pennsylvania Rules of Civil Procedure.

27           (2) If the owner is known but does not reside in the  
28           county where the trespass has been committed, the constable  
29           shall give written notice to the owner that the livestock has  
30           been impounded, the location of the livestock, and the name



1 of the owner of the land where the livestock trespassed.  
2 Notice shall be served within 24 hours of impounding by  
3 registered mail.

4 (c) Payment.--If, within four days of receiving notice, the  
5 owner of the trespassing livestock pays for the cost of the  
6 damage to the land, the costs of care and the fee for the  
7 constable, the livestock shall be returned to the owner within  
8 three days after receiving payment.

9 (d) Refusal.--If the owner fails to pay the costs and fees  
10 within four days, the constable shall notify the magisterial  
11 district judge of the county where the trespass was committed.  
12 The magisterial district judge shall then direct three  
13 disinterested owners of land in the locale where the damage  
14 occurred to inspect the trespass, value and appraise the damage.  
15 The three shall then consider the appraisal, value and costs of  
16 care and make a report to the magisterial district judge within  
17 five days.

18 § 7159.1. Sale of trespassing livestock.

19 (a) Process.--If the owner of the livestock fails to pay for  
20 the costs, damages and fees within one day of the filing of the  
21 report of the appraisers, the livestock shall be sold at a  
22 public sale. The following shall apply:

23 (1) The livestock must be described with particularity  
24 in a printed or written advertisement. The following shall  
25 apply:

26 (i) The advertisement must be posted at six of the  
27 most public places in the locale of the damaged property.

28 (ii) The advertisement must set forth a place and  
29 time of public sale of the livestock.

30 (2) At the named time and place, the livestock shall be

1 sold to the highest bidder unless at any time prior to the  
2 sale the owner of the livestock shall pay all costs, damages  
3 and fees or has begun an action for replevin against the  
4 owner of the land.

5 (3) The constable shall remit a written report of the  
6 sale and all money realized from the sale of the livestock to  
7 the magisterial district judge. The following shall apply:

8 (i) The magisterial district judge shall pay the  
9 costs and damages to the land owner.

10 (ii) Not less than three, nor more than four, months  
11 after the sale the magisterial district judge shall remit  
12 any surplus to the county treasurer in the county where  
13 the damage occurred.

14 (iii) The owner of the livestock shall have the  
15 right to submit proof of ownership to the magisterial  
16 district judge or the county treasurer at any time within  
17 two years of the sale to claim any surplus of the sale.

18 (4) If the sale results in a deficit, the payment shall  
19 be made as follows:

20 (i) First, the costs shall be paid in full or  
21 divided pro rata among the constable, magisterial  
22 district judge, the appraisers and the cost of care.

23 (ii) After the costs are paid in full, the remaining  
24 amount shall be paid to the owner of the land for any  
25 damage sustained.

26 (b) Redemption.--The owner of livestock impounded under this  
27 section shall have the right, at any time before the livestock  
28 are sold, to pay all the costs accrued and the amount of damages  
29 awarded in the appraisalment in section 7159 (relating to  
30 trespassing livestock) and to recover the livestock.

1 (c) Replevin.--The owner may also recover the impounded  
2 livestock, at any time before the livestock are sold, through a  
3 successful action of replevin. The following shall apply:

4 (1) The action for replevin must be on the condition  
5 that the owner of the livestock pay all damages and fees  
6 including:

7 (i) Amount of damages sustained by the land owner.

8 (ii) Costs of care.

9 (iii) Fees to the constable, magisterial district  
10 judge and the three disinterested appraisers.

11 (2) The damages and fees shall be itemized by costs,  
12 damages and fees.

13 (3) If a jury or the appraisers determine that the harm  
14 to the owner of the livestock was greater than the harm to  
15 the owner of the land, the owner of the livestock must still  
16 pay the costs and fees, but not to the attorney for the owner  
17 of the land.

18 (4) If a jury or the appraisers determine that the harm  
19 to the owner of the land is greater than the harm to the  
20 owner of the livestock, the court shall require the owner of  
21 the livestock to pay a reasonable fee to the attorney for the  
22 owner of the land.

23 SUBCHAPTER G

24 COMPENSATION

25 Sec.

26 7161. Fees.

27 7161.1. Specific fees.

28 7162. Returns.

29 7163. Election services.

30 7164. Impounding, selling and viewing fees.

1 7165. Seizure fees.

2 7166. Returns to court.

3 § 7161. Fees.

4 (a) Travel or mileage.--Actual mileage for travel by motor  
5 vehicle shall be reimbursed at a rate equal to the highest rate  
6 allowed by the Internal Revenue Service. If travel occurs by a  
7 mode other than motor vehicle, reimbursement shall be for the  
8 vouchered travel expenses.

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

13 (c) Additional persons.--A constable or deputy constable  
14 when he is transporting a prisoner, serving a felony or  
15 misdemeanor warrant or serving a warrant on a juvenile or a  
16 defendant of the opposite sex may, at his discretion, be  
17 accompanied by a second constable or deputy constable who is  
18 certified under section 7147 (relating to automatic  
19 certification) to perform judicial duties. In those cases, each  
20 officer shall receive the fee set out in this section. In all  
21 other civil, landlord-tenant and summary criminal cases, the  
22 issuing authority may authorize payment to a second officer.

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

1 (e) Payment.--All civil, landlord-tenant and criminal fees  
2 shall be paid by the court to the constable as soon as possible  
3 and in no case not more than 15 days in civil and landlord-  
4 tenant cases and 30 days in criminal cases after the service is  
5 performed and a proper request for payment is submitted,  
6 provided that, in criminal cases where the books and accounts of  
7 the relevant county offices are payable on a monthly basis,  
8 payment shall be made not more than 15 days after the close of  
9 the month.

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

12 (1) For serving complaint, summons or notice on suitor  
13 or tenant, either personally or by leaving a copy, \$13, plus  
14 \$5 for each additional defendant at the same address, \$2.50  
15 for each return of service, plus mileage.

16 (2) For levying goods, including schedule of property  
17 levied upon and set aside, notice of levy and return of  
18 service, \$75, plus mileage.

19 (3) For advertising personal property for public sale,  
20 \$7 per posting, with a maximum \$21 fee, plus mileage, plus  
21 the cost of advertising.

22 (4) For selling goods levied, receipts and returns to  
23 court, \$85, plus mileage.

24 (5) For making return of not found, \$13, plus mileage.  
25 Payment shall be limited to three returns of not found.

26 (6) For executing order of possession, \$13, plus \$5 for  
27 each additional defendant at the same address, \$2.50 for each  
28 return of service, plus mileage.

29 (7) For ejectment, \$90, \$2.50 for each return of  
30 service, plus mileage.

1           (8) For making any return of service other than not  
2 found, \$2.50 each.

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

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

11 (g) Criminal cases.--Fees in criminal cases shall be as  
12 follows:

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

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

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

20           (4) For attendance at arraignment or hearing, \$13.

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

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

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

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

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

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

5           (11) Receipt of the fees for transporting an  
6 incarcerated prisoner under paragraph (9) shall exclude  
7 receipt of the fees under paragraphs (2), (3), (4) and (7)  
8 for the transport.

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

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

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

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

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

1 assess the fee to the affiant.

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

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

13 § 7161.1. Specific fees.

14 (a) Court appearances and returns.--For attendance on court  
15 and making returns, the fees to be received by constables shall  
16 be \$2.50 per day.

17 (b) Notices of election.--For serving notices of their  
18 election upon township or borough officers, the fees to be  
19 received by constables shall be \$0.15 for each service.

20 (c) Juvenile matters.--Constables shall receive the same  
21 fees for serving writs in juvenile cases as they receive for  
22 similar services in criminal cases.

23 § 7162. Returns.

24 The returns required by law to be made by constables to the  
25 court of common pleas may, at the discretion of the court, be  
26 abolished, or be made at times and relating to subjects as the  
27 court may require. No constable shall be entitled to fees or  
28 mileage for making a return, except as required by the court.

29 § 7163. Election services.

30 For services performed under section 7152 (relating to



1 election services), the constables and deputies performing the  
2 services shall receive the same compensation payable to  
3 inspectors and clerks under section 412.2(a) of the act of June  
4 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election  
5 Code. The compensation shall be paid by the county and the sum  
6 shall include pay for serving notices in writing to persons  
7 elected at the election.

8 § 7164. Impounding, selling and viewing fees.

9 (a) Impounding and selling.--The fees collected by the  
10 constable for impounding an animal shall be \$1 and \$2 for each  
11 animal sold, provided the fees of the constable for impounding  
12 and selling amount to not more than \$4. The fees of the  
13 magisterial district judge shall be \$1 for each case, without  
14 regard to the number of animals impounded, for all cases where  
15 no sale is made and \$3 for all cases where a sale is made.

16 (b) Viewing.--The fees for each viewer appointed to assess  
17 the damages shall be \$1 for the first hour and \$.50 per hour for  
18 each hour necessarily engaged after the first hour.

19 § 7165. Seizure fees.

20 (a) Registration plates and cards.--If constables and deputy  
21 constables are delegated authority to seize registration plates  
22 and registration cards under 75 Pa.C.S. § 1376(b)(5) (relating  
23 to surrender of registration plates and cards upon suspension or  
24 revocation), they shall be compensated by the department at the  
25 rate of \$15 for each registration plate and card jointly seized,  
26 plus mileage. The department shall pay a constable or deputy  
27 constable within 30 days after a documented request for payment  
28 is submitted to it.

29 (b) Drivers' licenses.--If constables and deputy constables  
30 are delegated authority to seize drivers' licenses under 75

1 Pa.C.S. § 1540(c)(1)(v) (relating to surrender of license), they  
2 shall be compensated by the department at the rate of \$15 for  
3 each driver's license seized, plus mileage. The department shall  
4 pay a constable or deputy constable within 30 days after a  
5 documented request is submitted to it.

6 § 7166. Returns to court.

7 (a) Scope.--This section shall apply to counties of the  
8 sixth, seventh and eighth class.

9 (b) Requirements.--No compensation for making a return to  
10 court shall be paid to a constable unless he has appeared in  
11 court and presented his return containing information required  
12 by the court, at the regular time fixed by law for making the  
13 return.

14 SUBCHAPTER H

15 PENALTIES AND REMEDIES

16 Sec.

17 7171. Election notice in certain areas.

18 7172. Incompetence.

19 7173. Taxes.

20 7174. Action against security.

21 7175. Criminal penalty.

22 7176. Compensation violation.

23 7177. Failure to execute process.

24 7178. Failure to serve in a township.

25 § 7171. Election notice in certain areas.

26 (a) Scope.--This section applies to wards, townships and  
27 districts.

28 (b) Acting constables.--The acting constable shall, within  
29 six days after the election for a constable, give notice in  
30 writing to the elected individual of election to the office. An

1 acting constable who violates this subsection shall pay a civil  
2 penalty of \$16 to the Commonwealth.

3 (c) Elected constables.--An individual elected and notified  
4 under subsection (b) shall appear on the next day that the court  
5 of common pleas of the applicable judicial district is in  
6 session and either decline or accept the office. A constable  
7 elect who violates this subsection shall pay a civil penalty of  
8 \$16 to the Commonwealth.

9 (d) Court.--The applicable court of common pleas has the  
10 authority to levy the penalty under subsection (b) or (c).  
11 § 7172. Incompetence.

12 (a) Inquiry.--A court of common pleas with competent  
13 jurisdiction may inquire into the official conduct of the  
14 constable if any of the following apply:

15 (1) A surety of the constable files a verified petition  
16 alleging that the constable is incompetent to discharge  
17 official duties because of intemperence or neglect of duty.

18 (2) Any person files a verified petition alleging that  
19 the constable is incompetent to discharge official duties for  
20 a reason other than intemperence or neglect of duty. This  
21 paragraph includes an act of oppression of a litigant or a  
22 witness.

23 (b) Determination.--If the court determines that the  
24 constable is incompetent to discharge official duties, the  
25 following apply:

26 (1) The court may:

27 (i) require additional security from the constable;

28 or

29 (ii) remove the constable from office.

30 (2) Upon removal under paragraph (1)(ii), the court may

1 appoint a suitable individual to fill the vacancy until a  
2 successor is elected and qualified. The appointed individual  
3 must have a freehold estate with at least \$1,000 beyond  
4 incumbrance or furnish security.

5 § 7173. Taxes.

6 If a constable defaults on remittance of collected tax  
7 pursuant to law, all of the following apply:

8 (1) The constable is no longer authorized to receive  
9 tax.

10 (2) The person that was entitled to the remittance shall  
11 publish, three times in three daily newspapers, notice of the  
12 loss of authority under paragraph (1).

13 (3) The constable may not draw compensation until the  
14 default is cured.

15 § 7174. Action against security.

16 (a) Scope.--This section applies to a constable subject to  
17 all of the following:

18 (1) The constable has furnished security for the  
19 faithful performance of the duties of office.

20 (2) The constable fails to perform the duties of office.

21 (3) One of the following subparagraphs applies:

22 (i) The constable leaves the country before a  
23 judgment is entered on the failure under paragraph (2).

24 (ii) A judgment is entered against the constable for  
25 failure under paragraph (2), and the judgment cannot be  
26 paid.

27 (b) Procedure.--A court of competent jurisdiction may issue  
28 a writ of scire facias and proceed against the security.

29 (c) Appeal.--A surety and a constable may appeal from a  
30 judgment on a writ under subsection (b).

1 § 7175. Criminal penalty.

2 A constable who neglects or refuses to perform the duties  
3 under the act of June 3, 1937 (P.L.1333, No.320), known as the  
4 Pennsylvania Election Code, commits a misdemeanor of the third  
5 degree and shall, upon conviction, be sentenced to pay a fine of  
6 \$500 or to imprisonment for not less than one month nor more  
7 than one year, or both.

8 § 7176. Compensation violation.

9 A constable who violates the act of July 14, 1897 (P.L.206,  
10 No.209), entitled "An act to regulate the remuneration of  
11 policemen and constables employed as policemen throughout the  
12 Commonwealth of Pennsylvania, and prohibiting them from charging  
13 or accepting any fee or other compensation, in addition to their  
14 salary, except as public rewards and mileage for traveling  
15 expenses," commits a misdemeanor of the third degree and shall,  
16 upon conviction, be sentenced to pay a fine of \$50 or to  
17 imprisonment for not more than 30 days, or both.

18 § 7177. Failure to execute process.

19 (a) Scope.--This section applies to a constable subject to  
20 all of the following:

21 (1) The constable is entrusted with a the execution of a  
22 process for the collection of money.

23 (2) The constable, by neglect of duty, fails to collect  
24 the money.

25 (3) The constable's security is used to pay the money.

26 (b) Equitable interest.--The person that pays the security  
27 under subsection (a) (3):

28 (1) has an equitable interest in the judgment; and

29 (2) may collect the judgment in the name of the party  
30 that won the judgment.

1 § 7178. Failure to serve in a township.

2 (a) Scope.--This section applies to an individual in a  
3 township if all of the following circumstances exist:

4 (1) The individual is elected or appointed a constable.

5 (2) The individual has a freehold estate worth at least  
6 \$1,000.

7 (3) The individual fails to:

8 (i) serve; or

9 (ii) appoint a deputy to serve.

10 (b) Fine.--Except as set forth in subsection (c), an  
11 individual under subsection (a) shall be fined \$40 for the use  
12 of the appropriate township.

13 (c) Exception.--Subsection (b) shall not apply to an  
14 individual who:

15 (1) has served personally or by deputy in the office of  
16 constable of the same township within 15 years of election or  
17 appointment; or

18 (2) has paid a fine under subsection (b) within 15 years  
19 of election or appointment.

20 Section 3. Sections 1376(b) (5) and 1540(c) (1) (v) of Title 75  
21 are amended to read:

22 § 1376. Surrender of registration plates and cards upon  
23 suspension or revocation.

24 \* \* \*

25 (b) Delegation of authority.--If after 30 days from the mail  
26 date of a notice of suspension or revocation, the registration  
27 plates and cards are not surrendered under subsection (a), the  
28 department may delegate authority to the following persons to  
29 seize a registration plate and registration card which are  
30 required to be surrendered under subsection (a):

1 \* \* \*

2 (5) Constables or deputy constables. [If constables and  
3 deputy constables are delegated authority to seize  
4 registration plates and registration cards under this  
5 section, they shall be compensated by the department at the  
6 rate of \$15 for each registration plate and card jointly  
7 seized, plus mileage. The department shall pay a constable or  
8 deputy constable within 30 days after a documented request  
9 for payment is submitted to it.]

10 \* \* \*

11 § 1540. Surrender of license.

12 \* \* \*

13 (c) Seizure of revoked, suspended, canceled or disqualified  
14 licenses.--

15 (1) The department may delegate authority to the  
16 following persons to seize the driver's license of any person  
17 whose driver's license has been ordered to be surrendered by  
18 a court or district attorney or by the department:

19 \* \* \*

20 (v) Constables or deputy constables. [If constables  
21 and deputy constables are delegated authority to seize  
22 drivers' licenses under this subsection, they shall be  
23 compensated by the department at the rate of \$15 for each  
24 driver's license seized, plus mileage. The department  
25 shall pay a constable or deputy constable within 30 days  
26 after a documented request is submitted to it.]

27 \* \* \*

28 Section 4. Repeals are as follows:

29 (1) The General Assembly declares that the repeals under  
30 paragraph (2) are necessary to effectuate the addition of 44

1 Pa.C.S. Ch. 71 Subchs. A, B, C, D, F, G and H.

2 (2) The following acts and parts of acts are repealed to  
3 the extent specified:

4 (i) Section 1 of the act of 1799 (3 Sm.L.2012 Ch.6),  
5 entitled "A supplement to the act, entitled 'An act to  
6 extend the powers of the justices of the peace of this  
7 state,'" absolutely.

8 (ii) Sections 12 and 19 of the act of March 20, 1810  
9 (P.L.208, No.132), entitled "An act to amend and  
10 consolidate with its Supplements, the Act entitled 'An  
11 act for the recovery of debts and demands, not exceeding  
12 one hundred dollars, before a Justice of the Peace, and  
13 for the election of Constables, and for other purposes,"  
14 absolutely.

15 (iii) Section 3 of the act of April 24, 1829  
16 (P.L.369, No.216), entitled "A further supplement to the  
17 act entitled An act to amend and consolidate with its  
18 supplements, the act entitled An act for the recovery of  
19 debts and demands not exceeding one hundred dollars  
20 before a justice of the peace, and for the election of  
21 constables, and for other purposes," absolutely.

22 (iv) Sections 107, 108, 109, 110, 111, 112, 113 and  
23 114 of the act of April 15, 1834 (P.L.537, No.247),  
24 entitled "An act relating to counties and townships, and  
25 county and township officers," absolutely.

26 (v) Section 12 of the act of October 13, 1840  
27 (Special Session 1, P.L. 1, No.258).

28 (vi) Section 14 of the act of May 27, 1841 (P.L.400,  
29 No.141), entitled "An act relating to the Election of  
30 County Treasurers, and for other purposes," absolutely.



1           (vii) Section 19 of the act of April 22, 1850  
2           (P.L.549, No.342), entitled "A supplement to an act,  
3           entitled 'An Act to prevent waste in certain cases within  
4           this commonwealth,' passed the twenty-ninth day of March,  
5           one thousand eight hundred and twenty-two; to land and  
6           building associations; giving the court of Susquehanna  
7           county jurisdiction in a certain case; relative to the  
8           service of process in certain cases; to party walls in  
9           West Philadelphia; to the proof of a certain will; to the  
10          sale and purchase of certain burial grounds in  
11          Philadelphia; to the laying of gas pipes in the district  
12          of Moyamensing; to the release of certain sureties in  
13          Erie county; to the State Lunatic hospital; relative to  
14          the service of process against sheriffs; to the rights of  
15          married women; to ground rents; and relating to foreign  
16          insurance companies," absolutely.

17          (viii) Section 15 of the act of April 21, 1855  
18          (P.L.264, No.281), entitled "A supplement to the act  
19          Consolidating the city of Philadelphia," absolutely.

20          (ix) Section 17 of the act of April 21, 1855  
21          (P.L.264, No.281), as to constables.

22          (x) Section 1 of the act of May 3, 1876 (P.L.99,  
23          No.67), entitled "An act regulating procedure for  
24          violation of ordinances of cities of the first class," as  
25          to constables.

26          (xi) Section 1 of the act of February 12, 1889  
27          (P.L.3, No.1), entitled "An act to provide for the  
28          commencement of the terms of office of councilmen,  
29          constables and school directors in new wards, when  
30          erected in cities of the first class under existing laws

1 and where the several wards constitute separate school  
2 districts, to provide for the supervision of the public  
3 schools in such new wards until the organization of the  
4 board of school directors of the new school section, and  
5 to provide for the term of councilmen and constables  
6 already elected by the voters of the old ward," as to  
7 constables.

8 (xii) Section 1 of the act of February 14, 1889  
9 (P.L.6, No.5), entitled "An act to authorize the election  
10 of constables for three years," absolutely.

11 (xiii) Section 1 of the act of May 4, 1889 (P.L.83,  
12 No.79), entitled "An act to authorize the election of  
13 constables for three years in cities of the second and  
14 third class," absolutely.

15 (xiv) Section 1 of the act of April 29, 1897  
16 (P.L.29, No.25), entitled "An act to authorize constables  
17 and other peace officers, without first procuring a  
18 warrant, to arrest persons reasonably suspected by them  
19 of offending against the laws protecting timber lands,"  
20 absolutely.

21 (xv) Section 1 of the act of June 4, 1897 (P.L.121,  
22 No.101), entitled "An act relating to boroughs, providing  
23 a method of procedure for violations of law and borough  
24 ordinances, and for the collection of the fines and  
25 penalties imposed for said violations," as to constables.

26 (xvi) Section 2 of the act of July 14, 1897  
27 (P.L.266, No.209), entitled "An act to regulate the  
28 remuneration of policemen and constables employed as  
29 policemen throughout the Commonwealth of Pennsylvania,  
30 and prohibiting them from charging or accepting any fee

1 or other compensation, in addition to their salary,  
2 except as public rewards and mileage for traveling  
3 expenses," absolutely.

4 (xvii) Section 3 of the act of July 14, 1897  
5 (P.L.266, No.209), as to constables.

6 (xviii) Section 1 of the act of April 25, 1905  
7 (P.L.309, No.214), entitled "An act authorizing policemen  
8 to hold and exercise the office of constables,"  
9 absolutely.

10 (xix) Section 1 of the act of April 23, 1909  
11 (P.L.151, No.104), entitled "An act fixing the fees to be  
12 received by constables in this Commonwealth," absolutely.

13 (xx) Section 1 of the act of June 9, 1911 (P.L.727,  
14 No.299), entitled "An act authorizing the election in  
15 first class townships of an additional constable, and  
16 fixing his term," absolutely.

17 (xxi) Section 1 of the act of June 19, 1913  
18 (P.L.534, No.342), entitled "An act relating to  
19 appointment of deputy constables," absolutely.

20 (xxii) Sections 1, 2 and 3 of the act of May 31,  
21 1919 (P.L.357, No.171), entitled "An act relating to the  
22 duties of constables in certain counties; prohibiting  
23 them from making returns to the court of quarter sessions  
24 in certain cases; authorizing the court to direct  
25 investigations and reports by constables, and fixing  
26 their compensation in such cases," absolutely.

27 (xxiii) Section 14 of the act of June 28, 1923  
28 (P.L.903, No.348), entitled "A supplement to an act,  
29 approved the fourteenth day of May, one thousand nine  
30 hundred and fifteen (Pamphlet Laws, three hundred and

1 twelve), entitled 'An act providing a system for  
2 government of boroughs, and revising, amending, and  
3 consolidating the law relating to boroughs'; so as to  
4 provide a system of government where a borough now has  
5 annexed or hereafter shall annex land in an adjoining  
6 county, including assessment of property, levying and  
7 collection of taxes, making municipal improvements, and  
8 filing and collecting of liens for the same; the  
9 jurisdiction of courts for the enforcement of borough  
10 ordinances and State laws, and primary, general,  
11 municipal, and special elections; and repealing  
12 inconsistent laws," absolutely.

13 (xxiv) Section 1 of the act of April 6, 1925  
14 (P.L.155, No.113), entitled "An act providing constables'  
15 fees for service of writs in juvenile cases," absolutely.

16 (xxv) Section 1 of the act of March 20, 1929  
17 (P.L.32, No.32), entitled "An act providing for the  
18 filling of vacancies in the office of constable in any  
19 borough, town, ward of any city, borough, or town or  
20 township of this Commonwealth," absolutely.

21 (xxvi) Sections 1, 2, 3, 4, 5, 6, 7, 8 and 9 of the  
22 act of June 10, 1931 (P.L.492, No.156), entitled "An act  
23 relating to the trespassing of live stock on improved  
24 lands; providing for the taking up, impounding and sale  
25 thereof; imposing duties on and fixing the fees of  
26 constables, justices of the peace, and viewers appointed  
27 in connection therewith; prescribing the procedure for  
28 repossession by the owner thereof; providing for the  
29 fixing and taxing of costs, including attorneys' fees;  
30 and repealing inconsistent legislation," absolutely.

1           (xxvii) Section 1 of the act of February 28, 1933  
2           (P.L.5, No.3), entitled "An act relating to constables'  
3           returns to the court of quarter sessions," absolutely.

4           (xxviii) Section 412.2(g) of the act of June 3, 1937  
5           (P.L.1333, No.320), entitled "An act concerning  
6           elections, including general, municipal, special and  
7           primary elections, the nomination of candidates, primary  
8           and election expenses and election contests; creating and  
9           defining membership of county boards of elections;  
10          imposing duties upon the Secretary of the Commonwealth,  
11          courts, county boards of elections, county commissioners;  
12          imposing penalties for violation of the act, and  
13          codifying, revising and consolidating the laws relating  
14          thereto; and repealing certain acts and parts of acts  
15          relating to elections," absolutely.

16          (xxix) The first two sentences of section 1207 of  
17          the act of June 3, 1937 (P.L.1333, No.320), absolutely.

18          (xxx) Section 1822 of the act of June 3, 1937  
19          (P.L.1333, No.320), absolutely.

20          (xxxi) Section 1 of the act of May 26, 1943  
21          (P.L.637. No.280), entitled "An act providing that the  
22          terms of constables hereafter elected in cities of the  
23          second, second class A and third classes, boroughs and  
24          townships, shall be for six years," absolutely.

25          (xxxii) Section 1 of the act of April 3, 1955 (1956  
26          P.L.1382, No.441), entitled "An act making the offices of  
27          constable and justice of the peace or alderman  
28          incompatible," absolutely.

29          (xxxiii) Section 1126 of the act of February 1, 1966  
30          (1965 P.L.1656, No.581), entitled "An act concerning

1           boroughs, and revising, amending and consolidating the  
2           law relating to boroughs," absolutely.

3           (xxxiv) Section 1 of the act of February 2, 1970  
4           (P.L.2, No.2), entitled "An act abolishing the office of  
5           constable in the City of Philadelphia and providing for  
6           the performance of duties under The Landlord and Tenant  
7           Act of 1951," absolutely.

8           (xxxv) Sections 1 and 2 of the act of June 29, 1976  
9           (P.L.475, No.121), entitled "An act clarifying the powers  
10          of constables, county detectives, sheriffs, deputy  
11          sheriffs, waterways patrolmen and game protectors," as to  
12          constables.

13          (xxxvi) Section 10 of the act of October 4, 1978  
14          (P.L.883, No.170), entitled "An act relating to conflicts  
15          of interest involving certain public officials serving in  
16          State or State agencies and local political subdivision  
17          positions and prohibiting certain public employees from  
18          engaging in certain conflict of interest activities  
19          requiring certain disclosures and providing penalties,"  
20          absolutely.

21          (3) All acts and parts of acts are repealed insofar as  
22          they are inconsistent with this act.

23          Section 5. The General Assembly finds and declares as  
24          follows:

25               (1) The addition of 44 Pa.C.S. Ch. 71 Subchs. A, B, C,  
26               D, F, G and H is a continuation of the statutory provisions  
27               repealed in section 4(2) of this act. The following apply:

28                       (i) Except as otherwise provided in 44 Pa.C.S. Ch.  
29                       71, all activities initiated under the statutory  
30                       provisions repealed in section 4(2) of this act shall

1 continue and remain in full force and effect and may be  
2 completed under 44 Pa.C.S. Ch. 71. Orders, regulations,  
3 rules and decisions which were made under the statutory  
4 provisions set forth in section 4(2) of this act and  
5 which are in effect on the effective date of 4(2) of this  
6 act shall remain in full force and effect until revoked,  
7 vacated or modified under 44 Pa.C.S. Ch. 71. Contracts,  
8 obligations and collective bargaining agreements entered  
9 into under the statutory provisions repealed in section  
10 4(2) of this act are not affected nor impaired by the  
11 repeal in section 4(2) of this act.

12 (ii) Any difference in language between 44 Pa.C.S.  
13 Ch. 71 Subchs. A, B, C, D, F and G and the statutory  
14 provisions repealed in section 4(2) of this act is  
15 intended only to conform to the style of the Pennsylvania  
16 Consolidated Statutes and is not intended to change or  
17 affect the legislative intent, judicial construction or  
18 administration and implementation of the statutory  
19 provisions repealed in section 4(2) of this act.

20 (2) The provisions on constable training have been  
21 transferred from former 42 Pa.C.S. §§ 2941 through 2949 to 44  
22 Pa.C.S. Ch. 71 Subch. E. Except as otherwise provided in 44  
23 Pa.C.S. Ch. 71, all activities initiated under former 42  
24 Pa.C.S. §§ 2941 through 2949 shall continue and remain in  
25 full force and effect and may be completed under 44 Pa.C.S.  
26 Ch. 71 Subch. E. Orders, regulations, rules and decisions  
27 which were made under former 42 Pa.C.S. §§ 2941 through 2949  
28 and which are in effect on the effective date of section 1  
29 (42 Pa.C.S. §§ 2941 through 2949) of this act shall remain in  
30 full force and effect until revoked, vacated or modified

1 under 44 Pa.C.S. Ch. 71 Subch. E. Contracts, obligations and  
2 collective bargaining agreements entered into under former 42  
3 Pa.C.S. §§ 2941 through 2949 and which are in effect on the  
4 effective date of section 1 (42 Pa.C.S. §§ 2941 through 2949)  
5 of this act are not affected nor impaired by section 1 (42  
6 Pa.C.S. §§ 2941 through 2949) of this act.

7 (3) Provisions on constable fees have been transferred  
8 from 42 Pa.C.S. § 2950 to 44 Pa.C.S. § 7161. Except as  
9 otherwise provided in 44 Pa.C.S. § 7161, all activities  
10 initiated under former 42 Pa.C.S. § 2950 shall continue and  
11 remain in full force and effect and may be completed under 44  
12 Pa.C.S. § 7161. Orders, regulations, rules and decisions  
13 which were made under former 42 Pa.C.S. § 2950 and which are  
14 in effect on the effective date of section 1 (42 Pa.C.S. §  
15 2950) of this act shall remain in full force and effect until  
16 revoked, vacated or modified under 44 Pa.C.S. § 7161.

17 Contracts, obligations and collective bargaining agreements  
18 entered into under former 42 Pa.C.S. § 2950 and which are in  
19 effect on the effective date of section 1 (42 Pa.C.S. § 2950)  
20 of this act are not affected nor impaired by section 1 (42  
21 Pa.C.S. § 2950) of this act.

22 Section 6. This act shall take effect in 60 days.