

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, WALKO, GINGRICH, D. COSTA AND DENLINGER, JUNE 3, 2009

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 16, 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; IN TITLE 44, REVISING PROVISIONS ON SECOND AND
5 THIRD CLASS CITIES, ON BOROUGHs, ON TOWNSHIPS, ON THE
6 CONSTABLES' TRAINING AND EDUCATION BOARD, ON USE OF FIREARMS,
7 ON THE CONSTABLES' TRAINING AND EDUCATION ACCOUNT AND ON
8 STATUTORY AUTHORITY; making editorial changes; and making
9 related repeals.



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

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13 Pennsylvania Consolidated Statutes is repealed:

14 [SUBCHAPTER C

15 CONSTABLES

- 16 2941. Definitions.
17 2942. Conduct and insurance.
18 2943. Board established.
19 2944. Program established.

- 1 2945. Program contents.
- 2 2946. Continuing education.
- 3 2947. Automatic certification.
- 4 2948. Use of firearms.
- 5 2949. Restricted account.
- 6 2950. Fees.
- 7 § 2941. Definitions.

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

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

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

15 "Commission." The Pennsylvania Commission on Crime and  
16 Delinquency of the Commonwealth.

17 "Court." The minor judiciary or any other court in this  
18 Commonwealth.

19 "Judicial duties." Those services specified in section 2950  
20 (relating to fees).

21 "Term of office of a deputy constable." The term of office  
22 of the constable who appointed him.

23 § 2942. Conduct and insurance.

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

1 subchapter.

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

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

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

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

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

7 § 2943. Board established.

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

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

15 (1) Three persons who shall be constables.

16 (2) One person who shall be a magisterial district  
17 judge.

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

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

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

29 (d) Vacancy.--A member appointed to fill a vacancy created  
30 by any reason other than expiration of a term shall be appointed

1 for the unexpired term of the member whom he is to succeed in  
2 the same manner as the original appointment.

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

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

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

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

25 § 2944. Program established.

26 The board, with the review and approval of the commission,  
27 shall:

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

1           (2) Establish, implement and administer requirements for  
2 the minimum courses of study and training for constables and  
3 deputy constables.

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

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

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

15           (6) Establish the minimum qualifications for instructors  
16 and certify instructors.

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

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

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

29           (10) Make rules and regulations and perform other duties  
30 as may be reasonably necessary or appropriate to administer

1 the education and training program for constables and deputy  
2 constables.

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

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

11 (i) The administration of the Constables' Education  
12 and Training Program.

13 (ii) The activities of the board.

14 (iii) The costs of the program.

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

16 § 2945. Program contents.

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

27 § 2946. Continuing education.

28 The board, with the review and approval of the commission,  
29 shall establish a mandatory continuing education program for  
30 constables and deputy constables, which shall include no more

1 than 40 hours per year, concerning subjects the board may deem  
2 necessary and appropriate for the continued education and  
3 training of constables and deputy constables.

4 § 2947. Automatic certification.

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

13 § 2948. Use of firearms.

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

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

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

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

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



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

5 § 2949. Restricted account.

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

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

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

25 (d) Disbursements.--Disbursements from the account shall be  
26 made by the commission.

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

30 (f) Fund surplus.--If account moneys are sufficient to meet

1 the expenses and costs under subsection (a), the commission may  
2 allocate any surplus funds in the account to assist constables  
3 and deputy constables with costs associated with attendance at  
4 continuing education programs under section 2946 (relating to  
5 continuing education).

6 § 2950. Fees.

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

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

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

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

1 ejectment, in which latter case the constable or deputy  
2 constable shall be paid for holding the sale or carrying out an  
3 ejectment, respectively.

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

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

15 (1) For serving complaint, summons or notice on suitor  
16 or tenant, either personally or by leaving a copy, \$13, plus  
17 \$5 for each additional defendant at the same address, \$2.50  
18 for each return of service, plus mileage.

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

22 (3) For advertising personal property for public sale,  
23 \$7 per posting (maximum of \$21), plus mileage, plus actual  
24 cost of advertising.

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

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

29 (6) For executing order of possession, \$13, plus \$5 for  
30 each additional defendant at the same address, \$2.50 for each

1 return of service, plus mileage.

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

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

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

9 (10) 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 actual vouchered  
13 travel expenses.

14 (g) Criminal cases.--Fees in criminal cases shall be as  
15 follows:

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

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

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

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

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

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

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

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

28 (9) Transporting each nonincarcerated defendant to jail,  
29 \$17, plus mileage; transporting an incarcerated prisoner, \$38  
30 per prisoner, plus an hourly rate of \$13 per hour, plus

1 mileage. Computation of hourly rate will apply after the  
2 expiration of the first hour per prisoner per hour, not to  
3 exceed \$26 per hour per constable.

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

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

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

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

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

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

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

1 wherein the defendant is discharged prior to the indictment  
2 or the filing of any information or the case is otherwise  
3 dismissed at the summary offense hearing, the court shall  
4 assess the fee to the affiant.

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

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

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

17 PART IV

18 OTHER OFFICERS

19 Chapter

20 71. Constables

21 CHAPTER 71

22 CONSTABLES

23 Subchapter

24 A. Preliminary Provisions

25 B. Election

26 C. Appointment

27 D. Conflicts

28 E. Training

29 F. Powers and Duties

30 G. Compensation

1 H. Penalties and Remedies

2 SUBCHAPTER A

3 PRELIMINARY PROVISIONS

4 Sec.

5 7101. Scope.

6 7102. Definitions.

7 7103. Cities of the first class.

8 § 7101. Scope.

9 This chapter relates to constables.

10 § 7102. Definitions.

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

14 "Livestock." Cattle, horses, sheep, goats and swine of every  
15 age and sex.

16 ~~§ 7102~~ 7103. Cities of the first class.

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

20 SUBCHAPTER B

21 ELECTION

22 Sec.

23 7111. Term of office.

24 7112. Cities of the second and third classes.

25 7113. Boroughs.

26 7114. Townships.

27 § 7111. Term of office.

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

1 § 7112. Cities of the second and third classes.

2 The qualified voters of each ward in a city of the second or  
3 third class, ~~on the third Tuesday of February, 1890, and every~~ ←  
4 ~~three years thereafter,~~ shall elect a properly qualified person  
5 for constable in each ward.

6 § 7113. Boroughs.

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

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

16 § 7114. Townships.

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

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

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

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



1 election, shall forfeit to the township the sum of \$40 to be  
2 levied by order of the court.

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

11 SUBCHAPTER C

12 APPOINTMENT

13 § 7121. Constables.

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

21 § 7122. Deputy constables.

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

30 (b) Court approval and qualifications.--

1       (1) Except as set forth in paragraph (2), no deputy  
2 shall be appointed, either by general or partial  
3 deputization, without approbation of the ~~Court of Common~~ ←  
4 ~~Pleas~~ COURT OF COMMON PLEAS of the county, except for special ←  
5 appointments in a civil suit or proceeding, at the request  
6 and risk of the plaintiff or his agent. If a deputy no longer  
7 resides in, or ceases to be a qualified elector of, the ward  
8 in which he was appointed to serve, the ~~Court of Common Pleas~~ ←  
9 COURT OF COMMON PLEAS may revoke the appointment of the ←  
10 deputy upon petition of five duly qualified electors of the  
11 ward and proof of facts requiring revocation.

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

22       (c) Certain provisions relating to boroughs unaffected.--  
23 This section does not affect the provisions of section 14 of the  
24 act of June 28, 1923 (P.L.903, No.348), entitled "A supplement  
25 to an act, approved the fourteenth day of May, one thousand nine  
26 hundred and fifteen (Pamphlet Laws, three hundred and twelve),  
27 entitled 'An act providing a system for government of boroughs,  
28 and revising, amending, and consolidating the law relating to  
29 boroughs'; so as to provide a system of government where a  
30 borough now has annexed or hereafter shall annex land in an

1 adjoining county, including assessment of property, levying and  
2 collection of taxes, making municipal improvements, and filing  
3 and collecting of liens for the same; the jurisdiction of courts  
4 for the enforcement of borough ordinances and State laws, and  
5 primary, general, municipal, and special elections; and  
6 repealing inconsistent laws."

7 SUBCHAPTER D

8 CONFLICTS

9 § 7131. Public office.

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

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

15 (1) being an officer of a political body or political  
16 party as those terms are defined in the act of June 3, 1937  
17 (P.L.1333, No.320), known as the Pennsylvania Election Code;

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

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

21 (4) participating in election day activities.

22 § 7132. Police officers.

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

1 (b) Exception.--Unless prevented from doing so by the  
2 operation of the civil service provisions of the act of February  
3 1, 1966 (1965 P.L.1656, No.581), known as The Borough Code,  
4 borough policemen who reside in the borough may hold and  
5 exercise the office of constable in the borough, or in any ward  
6 thereof, and receive all costs, fees and emoluments pertaining  
7 to such office.

8 SUBCHAPTER E

9 TRAINING

10 Sec.

11 7141. Definitions.

12 7142. Conduct and insurance.

13 7143. Board established.

14 7144. PROGRAM ESTABLISHED.

15 7145. PROGRAM CONTENTS.

16 7146. CONTINUING EDUCATION.

17 7147. (RESERVED).

18 7148. USE OF FIREARMS.

19 7149. RESTRICTED ACCOUNT.

20 § 7141. DEFINITIONS.

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

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

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

28 "Commission." The Pennsylvania Commission on Crime and  
29 Delinquency of the Commonwealth.

30 "Court." The minor judiciary or any other court in this

1 Commonwealth.

2 "Judicial duties." Those services specified in section 7161  
3 (relating to fees).

4 "Term of office of a deputy constable." The term of office  
5 of the constable who appointed him.

6 § 7142. Conduct and insurance.

7 (a) Certification.--After the establishment, implementation  
8 and administration of the Constables' Education and Training  
9 Program created under sections 7144 (relating to program  
10 established) and 7145 (relating to program contents), no  
11 constable or deputy constable shall perform any judicial duties  
12 nor demand or receive any fee, surcharge or mileage provided by  
13 this subchapter unless he has been certified under this  
14 subchapter.

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

26 (c) Loss of certification.--Any constable or deputy  
27 constable who fails, neglects or refuses to maintain a current  
28 insurance policy as required by subsection (b) or to file proof  
29 thereof with the clerk of courts shall cease automatically to be  
30 certified to perform judicial duties upon the expiration of the

1 policy of which proof has been filed with the clerk of courts.

2 (d) Recertification.--Any constable or deputy constable who  
3 ceases to be certified to perform judicial duties as a result of  
4 the operation of subsection (c) may later be recertified  
5 immediately by filing with the clerk of courts proof that such  
6 insurance has been in force continuously since the officer was  
7 last certified to perform judicial duties. In the case of a  
8 violation of subsection (c), the individual may be recertified  
9 by complying with subsection (b).

10 (e) Limitations on liability.--The provisions of this  
11 subchapter shall not be deemed to impose respondeat superior  
12 liability on any county.

13 (f) Conduct.--While a constable or deputy constable is  
14 performing duties other than judicial duties, regardless of  
15 whether or not he is certified under this subchapter, he shall  
16 not in any manner hold himself out to be active as an agent,  
17 employee or representative of any court, magisterial district  
18 judge or judge.

19 § 7143. Board established.

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

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

27 (1) Three persons who shall be constables.

28 (2) One person who shall be a magisterial district  
29 judge.

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

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

2 (c) Appointments and terms.--Members shall serve for three-  
3 year terms and may be appointed for more than one additional  
4 consecutive term. If a member who serves by virtue of public  
5 office ceases to represent the class to which he was appointed,  
6 his membership in the commission shall terminate immediately,  
7 and a new member shall be appointed in the same manner as his  
8 predecessor to fill the unexpired portion of the term. No  
9 constable may be appointed, be reappointed or serve as a board  
10 member unless he is certified under this subchapter.

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

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

19 (f) Removal.--Members of the board may be removed by the  
20 appointing authority for good cause upon written notice from the  
21 appointing authority specifically setting forth the cause for  
22 removal.

23 (g) Chairman elected.--The members of the board shall elect  
24 a chairman from among the members to serve for a period of one  
25 year. A chairman may be elected to serve successive terms. The  
26 Governor shall designate the first chairman for organizational  
27 purposes only.

28 (h) Meetings.--The chairman shall summon the members of the  
29 board to the first meeting within 30 days after his appointment  
30 or within 30 days after the appointment of a sufficient number



1 ~~of members to constitute a quorum, whichever is later.~~ The board  
2 shall meet as often as it deems necessary but at least four  
3 times each year. Meetings may be called by the chairman of the  
4 board or by any four members thereof, in either case upon at  
5 least ten days' written notice to all members of the board. A  
6 quorum shall consist of four members.

7 § 7144. Program established.

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

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

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

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

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

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

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

29 (7) Consult, cooperate and contract with universities,  
30 colleges, law schools, community colleges and institutes for



1 the development of basic and continuing education courses for  
2 constables and deputy constables.

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

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

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

15 (11) In consultation with the Insurance Commissioner,  
16 monitor the price and availability of the liability insurance  
17 required by section 7142(b) (relating to conduct and  
18 insurance) and, if deemed necessary by the board, provide  
19 information and coordination to assure the availability and  
20 competitive pricing of such insurance.

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

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

25 (ii) The activities of the board.

26 (iii) The costs of the program.

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

28 § 7145. Program contents.

29 The Constables' Education and Training Program shall include  
30 training for a total of 80 hours, the content of which shall be

1 determined by regulation. The training shall include instruction  
2 in the interpretation and application of the fees provided for  
3 in section 7161 (relating to fees). ~~Any constable or deputy~~ ←  
4 ~~constable who is in office as of June 15, 1994, shall be~~  
5 ~~afforded one and only one opportunity prior to the expiration of~~  
6 ~~his current term to satisfactorily complete this program by~~  
7 ~~examination without the necessity of class attendance.~~

8 § 7146. Continuing education.

9 The board, with the review and approval of the commission,  
10 shall establish a mandatory continuing education program for  
11 constables and deputy constables, which shall include no more  
12 than 40 hours per year, concerning subjects the board may deem  
13 necessary and appropriate for the continued education and  
14 training of constables and deputy constables.

15 § 7147. Automatic certification. ←

16 All constables and deputy constables who are in office as of  
17 June 15, 1994, shall be deemed to be certified under and in  
18 compliance with sections 7145 (relating to program contents) and  
19 7146 (relating to continuing education) for the balance of their  
20 current term of office or until the constables and deputy  
21 constables have been provided an opportunity to complete the  
22 education and training in accordance with section 7145 or 7146,  
23 whichever is sooner. (RESERVED). ←

24 § 7148. Use of firearms.

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

1 (b) Certification and qualification.--Until such time as the ←  
2 board establishes the standards under subsection (a), no NO ←  
3 constable or deputy constable shall carry or use a firearm in  
4 the performance of any duties unless he is currently certified  
5 or qualified in firearms under at least one of the following:

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

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

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

13 (c) Availability.--In accordance with subsection (b), the  
14 firearms portion of the education and training under the listed  
15 laws shall be made available to constables and deputy  
16 constables.

17 § 7149. Restricted account.

18 (a) Account established.--There is established a special  
19 restricted account within the General Fund, which shall be known  
20 as the Constables' Education and Training Account, for the  
21 purposes of financing training program expenses, the costs of  
22 administering the program and all other costs associated with  
23 the activities of the board and the implementation of this  
24 subchapter and as provided under subsection (f).

25 (b) Surcharge.--There is assessed as a cost in each case  
26 before a magisterial district judge a surcharge of \$5 per docket  
27 number in each criminal case and \$5 per named defendant in each  
28 civil case in which a constable or deputy constable performs a  
29 service provided in this subchapter SUBCHAPTER G (RELATING TO ←  
30 COMPENSATION), except that no county shall be required to pay

1 this surcharge on behalf of any indigent or other defendant in a  
2 criminal case.

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

8 (d) Disbursements.--Disbursements from the account shall be  
9 made by the commission.

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

13 (f) Fund surplus.--If account money are sufficient to meet  
14 the expenses and costs under subsection (a), the commission may  
15 allocate any surplus funds in the account to assist constables  
16 and deputy constables with costs associated with attendance at  
17 continuing education programs under section 7146 (relating to  
18 continuing education).

19 SUBCHAPTER F

20 POWERS AND DUTIES

21 Sec.

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

23 7152. Elections.

24 7153. Service of process.

25 7154. Collection of taxes.

26 7155. Arrest of offenders against forest laws.

27 7156. Executions.

28 7157. Returns and appearance.

29 7158. Arrest in boroughs.

30 7159. Trespassing livestock.

1 7159.1. Sale of trespassing livestock.

2 § 7151. General imposition of duties and grant of powers.

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

7 § 7152. Elections.

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

10 (1) Be present at the polling place in each election  
11 district of the borough, township or ward at each election  
12 during the continuance of each election and while the votes  
13 are being counted, for the purpose of preserving the peace.

14 (2) Serve at all elections.

15 § 7153. Service of process.

16 If no coroner is in commission to serve process in a suit  
17 instituted in a court of this Commonwealth in which the sheriff  
18 of a county may be a party, a constable in the county where the  
19 process has been issued may serve as the coroner and perform the  
20 authorized duties of the coroner.

21 § 7154. Collection of taxes.

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

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

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

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

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

8 § 7155. Arrest of offenders against forest laws.

9 If a person is detected by a constable in the act of  
10 trespassing upon any forest or timber land within this  
11 Commonwealth, under circumstances as to warrant reasonable  
12 suspicion that the person has, is or may commit an offense  
13 against any law for the protection of forests and timber land,  
14 the constable may, without first procuring a warrant, arrest the  
15 person.

16 § 7156. Executions.

17 (a) Debt, interests and costs.--The debt, interest and costs  
18 of a writ of execution delivered to a constable shall be entered  
19 into the docket of a magisterial district court and on the back  
20 of the writ of execution. A constable may not be discharged from  
21 the writ of execution unless he provides to the magisterial  
22 district judge on or before the return day of the writ of  
23 execution the receipt of the plaintiff or any other legally  
24 sufficient return.

25 (b) Invalid returns.--If a constable makes a false return,  
26 does not produce the plaintiff's receipt on the return day or  
27 makes a return deemed insufficient by the magisterial district  
28 judge, the magisterial district judge shall issue a summons to  
29 the constable to appear on the designated day, which may not be  
30 more than eight days from the date of issuance, to show cause

1 why a writ of execution should not be issued against the  
2 constable for the amount of the writ of execution under  
3 subsection (a). If the constable does not appear or does not  
4 show sufficient cause why the writ of execution should not be  
5 issued against him, the magisterial district judge shall enter  
6 judgment against the constable for the amount of the writ of  
7 execution under subsection (a) with costs. No stay may be  
8 entered upon the writ of execution and upon application of the  
9 plaintiff or his agent, the magisterial district judge shall  
10 issue an execution against the constable for the amount of the  
11 judgment, which may be directed to an authorized person. The  
12 summons under this subsection shall be issued to an authorized  
13 person to serve. If the summons is not served, that person shall  
14 pay a fine of \$20. If an authorized person cannot be  
15 conveniently found to serve the summons, the magisterial  
16 district judge shall direct it to the supervisor of the highways  
17 of the township, ward or district where the constable resides,  
18 whose shall serve the summons or pay a penalty of \$20.

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

22 § 7157. Returns and appearance.

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

27 (b) Appearance.--A court may summon a constable to appear  
28 before it and direct the constable to investigate a complaint of  
29 a violation of law or of a condition which a constable is  
30 required to report to the court and to make a report of his

1 investigation.

2 § 7158. Arrest in boroughs.

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

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

8 (2) May be engaged in the commission of any unlawful act  
9 tending to imperil the personal security or endanger the  
10 property of the citizens.

11 (3) Violates any ordinance of the borough for which a  
12 fine or penalty is imposed.

13 § 7159. Trespassing livestock.

14 (a) In general.--An owner or tenant of an enclosed or  
15 unenclosed, improved land in this Commonwealth who discovers  
16 trespassing livestock shall notify the constable of the  
17 township, borough or ward in which the improved land lies. If  
18 the constable of the township, borough or ward is unavailable or  
19 unable to assist, the owner or tenant shall notify the constable  
20 of the county. The following shall apply:

21 (1) The constable shall impound the livestock either  
22 with the owner or tenant of the land if the owner, and the  
23 tenant if one exists, agree or with another individual or  
24 entity that the constable may deem best situated to care for  
25 the livestock.

26 (2) All reasonable costs of keeping the livestock shall  
27 be part of the costs of care.

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

30 (1) If the owner is known and resides within the county



1 where the trespass has been committed, the constable shall  
2 give written notice to the owner that the livestock has been  
3 impounded, the location of the livestock and the name of the  
4 owner of the land where the livestock trespassed. Notice  
5 shall be given within 24 hours of impounding in accordance  
6 with the Pennsylvania Rules of Civil Procedure.

7 (2) If the owner is known but does not reside in the  
8 county where the trespass has been committed, the constable  
9 shall give written notice to the owner that the livestock has  
10 been impounded, the location of the livestock, and the name  
11 of the owner of the land where the livestock trespassed.  
12 Notice shall be served within 24 hours of impounding by  
13 registered mail.

14 (c) Payment.--If, within four days of receiving notice, the  
15 owner of the trespassing livestock pays for the cost of the  
16 damage to the land, the costs of care and the fee for the  
17 constable, the livestock shall be returned to the owner within  
18 three days after receiving payment.

19 (d) Refusal.--If the owner fails to pay the costs and fees  
20 within four days, the constable shall notify the magisterial  
21 district judge of the county where the trespass was committed.  
22 The magisterial district judge shall then direct three  
23 disinterested owners of land in the locale where the damage  
24 occurred to inspect the trespass, value and appraise the damage.  
25 The three shall then consider the appraisal, value and costs of  
26 care and make a report to the magisterial district judge within  
27 five days.

28 § 7159.1. Sale of trespassing livestock.

29 (a) Process.--If the owner of the livestock fails to pay for  
30 the costs, damages and fees within one day of the filing of the

1 report of the appraisers, the livestock shall be sold at a  
2 public sale. The following shall apply:

3 (1) The livestock must be described with particularity  
4 in a printed or written advertisement. The following shall  
5 apply:

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

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

10 (2) At the named time and place, the livestock shall be  
11 sold to the highest bidder unless at any time prior to the  
12 sale the owner of the livestock shall pay all costs, damages  
13 and fees or has begun an action for replevin against the  
14 owner of the land.

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

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

20 (ii) Not less than three, nor more than four, months  
21 after the sale the magisterial district judge shall remit  
22 any surplus to the county treasurer in the county where  
23 the damage occurred.

24 (iii) The owner of the livestock shall have the  
25 right to submit proof of ownership to the magisterial  
26 district judge or the county treasurer at any time within  
27 two years of the sale to claim any surplus of the sale.

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

30 (i) First, the costs shall be paid in full or

1 divided pro rata among the constable, magisterial  
2 district judge, the appraisers and the cost of care.

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

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

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

14 (1) The action for replevin must be on the condition  
15 that the owner of the livestock pay all damages and fees  
16 including:

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

18 (ii) Costs of care.

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

21 (2) The damages and fees shall be itemized by costs,  
22 damages and fees.

23 (3) If a jury or the appraisers determine that the harm  
24 to the owner of the livestock was greater than the harm to  
25 the owner of the land, the owner of the livestock must still  
26 pay the costs and fees, but not to the attorney for the owner  
27 of the land.

28 (4) If a jury or the appraisers determine that the harm  
29 to the owner of the land is greater than the harm to the  
30 owner of the livestock, the court shall require the owner of

1 the livestock to pay a reasonable fee to the attorney for the  
2 owner of the land.

3 SUBCHAPTER G

4 COMPENSATION

5 Sec.

6 7161. Fees.

7 7161.1. Specific fees.

8 7162. Returns.

9 7163. Election services.

10 7164. Impounding, selling and viewing fees.

11 7165. Seizure fees.

12 7166. Returns to court.

13 § 7161. Fees.

14 (a) Travel or mileage.--Actual mileage for travel by motor  
15 vehicle shall be reimbursed at a rate equal to the highest rate  
16 allowed by the Internal Revenue Service. If travel occurs by a  
17 mode other than motor vehicle, reimbursement shall be for the  
18 vouchered travel expenses.

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

23 (c) Additional persons.--A constable or deputy constable  
24 when he is transporting a prisoner, serving a felony or  
25 misdemeanor warrant or serving a warrant on a juvenile or a  
26 defendant of the opposite sex may, at his discretion, be  
27 accompanied by a second constable or deputy constable who is  
28 certified under section 7147 (relating to automatic  
29 certification) to perform judicial duties. In those cases, each  
30 officer shall receive the fee set out in this section. In all

1 other civil, landlord-tenant and summary criminal cases, the  
2 issuing authority may authorize payment to a second officer.

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

11 (e) Payment.--All civil, landlord-tenant and criminal fees  
12 shall be paid by the court to the constable as soon as possible  
13 and in no case not more than 15 days in civil and landlord-  
14 tenant cases and 30 days in criminal cases after the service is  
15 performed and a proper request for payment is submitted,  
16 provided that, in criminal cases where the books and accounts of  
17 the relevant county offices are payable on a monthly basis,  
18 payment shall be made not more than 15 days after the close of  
19 the month.

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

22 (1) For serving complaint, summons or notice on suitor  
23 or tenant, either personally or by leaving a copy, \$13, plus  
24 \$5 for each additional defendant at the same address, \$2.50  
25 for each return of service, plus mileage.

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

29 (3) For advertising personal property for public sale,  
30 \$7 per posting, with a maximum \$21 fee, plus mileage, plus

1 the cost of advertising.

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

4 (5) For making return of not found, \$13, plus mileage.

5 Payment shall be limited to three returns of not found.

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

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

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

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

16 (10) Actual mileage for travel by motor vehicle shall be  
17 reimbursed at the rate equal to the highest rate allowed by  
18 the Internal Revenue Service. If travel is by other than  
19 motor vehicle, reimbursement shall be for vouchered travel  
20 expenses.

21 (g) Criminal cases.--Fees in criminal cases shall be as  
22 follows:

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

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

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

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

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

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

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

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

5           (9) Transporting each nonincarcerated defendant to jail,  
6 \$17, plus mileage; transporting an incarcerated prisoner, \$38  
7 per prisoner, plus an hourly rate of \$13 per hour, plus  
8 mileage. Computation of hourly rate will apply after the  
9 expiration of the first hour per prisoner per hour, not to  
10 exceed \$26 per hour per constable.

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

15           (11) Receipt of the fees for transporting an  
16 incarcerated prisoner under paragraph (9) shall exclude  
17 receipt of the fees under paragraphs (2), (3), (4) and (7)  
18 for the transport.

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

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

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

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

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

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

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

23 § 7161.1. Specific fees.

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

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

30       (c) Juvenile matters.--Constables shall receive the same



1 fees for serving writs in juvenile cases as they receive for  
2 similar services in criminal cases.

3 § 7162. Returns.

4 The returns required by law to be made by constables to the  
5 court of common pleas may, at the discretion of the court, be  
6 abolished, or be made at times and relating to subjects as the  
7 court may require. No constable shall be entitled to fees or  
8 mileage for making a return, except as required by the court.

9 § 7163. Election services.

10 For services performed under section 7152 (relating to  
11 election services), the constables and deputies performing the  
12 services shall receive the same compensation payable to  
13 inspectors and clerks under section 412.2(a) of the act of June  
14 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election  
15 Code. The compensation shall be paid by the county and the sum  
16 shall include pay for serving notices in writing to persons  
17 elected at the election.

18 § 7164. Impounding, selling and viewing fees.

19 (a) Impounding and selling.--The fees collected by the  
20 constable for impounding an animal shall be \$1 and \$2 for each  
21 animal sold, provided the fees of the constable for impounding  
22 and selling amount to not more than \$4. The fees of the  
23 magisterial district judge shall be \$1 for each case, without  
24 regard to the number of animals impounded, for all cases where  
25 no sale is made and \$3 for all cases where a sale is made.

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

29 § 7165. Seizure fees.

30 (a) Registration plates and cards.--If constables and deputy

1 constables are delegated authority to seize registration plates  
2 and registration cards under 75 Pa.C.S. § 1376(b)(5) (relating  
3 to surrender of registration plates and cards upon suspension or  
4 revocation), they shall be compensated by the department at the  
5 rate of \$15 for each registration plate and card jointly seized,  
6 plus mileage. The department shall pay a constable or deputy  
7 constable within 30 days after a documented request for payment  
8 is submitted to it.

9 (b) Drivers' licenses.--If constables and deputy constables  
10 are delegated authority to seize drivers' licenses under 75  
11 Pa.C.S. § 1540(c)(1)(v) (relating to surrender of license), they  
12 shall be compensated by the department at the rate of \$15 for  
13 each driver's license seized, plus mileage. The department shall  
14 pay a constable or deputy constable within 30 days after a  
15 documented request is submitted to it.

16 § 7166. Returns to court.

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

19 (b) Requirements.--No compensation for making a return to  
20 court shall be paid to a constable unless he has appeared in  
21 court and presented his return containing information required  
22 by the court, at the regular time fixed by law for making the  
23 return.

#### SUBCHAPTER H

#### PENALTIES AND REMEDIES

24 Sec.

25 7171. Election notice in certain areas.

26 7172. Incompetence.

27 7173. Taxes.

28 7174. Action against security.

1 7175. Criminal penalty.

2 7176. Compensation violation.

3 7177. Failure to execute process.

4 7178. Failure to serve in a township.

5 § 7171. Election notice in certain areas.

6 (a) Scope.--This section applies to wards, townships and  
7 districts.

8 (b) Acting constables.--The acting constable shall, within  
9 six days after the election for a constable, give notice in  
10 writing to the elected individual of election to the office. An  
11 acting constable who violates this subsection shall pay a civil  
12 penalty of \$16 to the Commonwealth.

13 (c) Elected constables.--An individual elected and notified  
14 under subsection (b) shall appear on the next day that the court  
15 of common pleas of the applicable judicial district is in  
16 session and either decline or accept the office. A constable  
17 elect who violates this subsection shall pay a civil penalty of  
18 \$16 to the Commonwealth.

19 (d) Court.--The applicable court of common pleas has the  
20 authority to levy the penalty under subsection (b) or (c).

21 § 7172. Incompetence.

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

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

28 (2) Any person files a verified petition alleging that  
29 the constable is incompetent to discharge official duties for  
30 a reason other than intemperence or neglect of duty. This

1 paragraph includes an act of oppression of a litigant or a  
2 witness.

3 (b) Determination.--If the court determines that the  
4 constable is incompetent to discharge official duties, the  
5 following apply:

6 (1) The court may:  
7 (i) require additional security from the constable;  
8 or  
9 (ii) remove the constable from office.

10 (2) Upon removal under paragraph (1)(ii), the court may  
11 appoint a suitable individual to fill the vacancy until a  
12 successor is elected and qualified. The appointed individual  
13 must have a freehold estate with at least \$1,000 beyond  
14 incumbrance or furnish security.

15 § 7173. Taxes.

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

18 (1) The constable is no longer authorized to receive  
19 tax.

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

23 (3) The constable may not draw compensation until the  
24 default is cured.

25 § 7174. Action against security.

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

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

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

1           (3) One of the following subparagraphs applies:

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

4           (ii) A judgment is entered against the constable for  
5           failure under paragraph (2), and the judgment cannot be  
6           paid.

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

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

11          § 7175. Criminal penalty.

12          A constable who neglects or refuses to perform the duties  
13          under the act of June 3, 1937 (P.L.1333, No.320), known as the  
14          Pennsylvania Election Code, commits a misdemeanor of the third  
15          degree and shall, upon conviction, be sentenced to pay a fine of  
16          \$500 or to imprisonment for not less than one month nor more  
17          than one year, or both.

18          § 7176. Compensation violation.

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

28          § 7177. Failure to execute process.

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

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

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

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

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

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

9           (2) may collect the judgment in the name of the party  
10 that won the judgment.

11 § 7178. Failure to serve in a township.

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

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

15           (2) The individual has a freehold estate worth at least  
16 \$1,000.

17           (3) The individual fails to:

18               (i) serve; or

19               (ii) appoint a deputy to serve.

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

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

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

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

30       Section 3. Sections 1376(b) (5) and 1540(c) (1) (v) of Title 75

1 are amended to read:

2 § 1376. Surrender of registration plates and cards upon  
3 suspension or revocation.

4 \* \* \*

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

11 \* \* \*

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

20 \* \* \*

21 § 1540. Surrender of license.

22 \* \* \*

23 (c) Seizure of revoked, suspended, canceled or disqualified  
24 licenses.--

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

29 \* \* \*

30 (v) Constables or deputy constables. [If constables

1 and deputy constables are delegated authority to seize  
2 drivers' licenses under this subsection, they shall be  
3 compensated by the department at the rate of \$15 for each  
4 driver's license seized, plus mileage. The department  
5 shall pay a constable or deputy constable within 30 days  
6 after a documented request is submitted to it.]

7 \* \* \*

8 Section 4. Repeals are as follows:

9 (1) The General Assembly declares that the repeals under  
10 paragraph (2) are necessary to effectuate the addition of 44  
11 Pa.C.S. Ch. 71 Subchs. A, B, C, D, F, G and H.

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

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

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

25 (iii) Section 3 of the act of April 24, 1829  
26 (P.L.369, No.216), entitled "A further supplement to the  
27 act entitled An act to amend and consolidate with its  
28 supplements, the act entitled An act for the recovery of  
29 debts and demands not exceeding one hundred dollars  
30 before a justice of the peace, and for the election of



1 constables, and for other purposes," absolutely.

2 (iv) Sections 107, 108, 109, 110, 111, 112, 113 and  
3 114 of the act of April 15, 1834 (P.L.537, No.247),  
4 entitled "An act relating to counties and townships, and  
5 county and township officers," absolutely.

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

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

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

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

30 (ix) Section 17 of the act of April 21, 1855

1 (P.L.264, No.281), as to constables.

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

6 (xi) Section 1 of the act of February 12, 1889  
7 (P.L.3, No.1), entitled "An act to provide for the  
8 commencement of the terms of office of councilmen,  
9 constables and school directors in new wards, when  
10 erected in cities of the first class under existing laws  
11 and where the several wards constitute separate school  
12 districts, to provide for the supervision of the public  
13 schools in such new wards until the organization of the  
14 board of school directors of the new school section, and  
15 to provide for the term of councilmen and constables  
16 already elected by the voters of the old ward," as to  
17 constables.

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

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

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

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

6           (xvi) Section 2 of the act of July 14, 1897  
7 (P.L.266, No.209), entitled "An act to regulate the  
8 remuneration of policemen and constables employed as  
9 policemen throughout the Commonwealth of Pennsylvania,  
10 and prohibiting them from charging or accepting any fee  
11 or other compensation, in addition to their salary,  
12 except as public rewards and mileage for traveling  
13 expenses," absolutely.

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

16           (xviii) Section 1 of the act of April 25, 1905  
17 (P.L.309, No.214), entitled "An act authorizing policemen  
18 to hold and exercise the office of constables,"  
19 absolutely.

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

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

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

30           (xxii) Sections 1, 2 and 3 of the act of May 31,

1 1919 (P.L.357, No.171), entitled "An act relating to the  
2 duties of constables in certain counties; prohibiting  
3 them from making returns to the court of quarter sessions  
4 in certain cases; authorizing the court to direct  
5 investigations and reports by constables, and fixing  
6 their compensation in such cases," absolutely.

7 (xxiii) Section 14 of the act of June 28, 1923  
8 (P.L.903, No.348), entitled "A supplement to an act,  
9 approved the fourteenth day of May, one thousand nine  
10 hundred and fifteen (Pamphlet Laws, three hundred and  
11 twelve), entitled 'An act providing a system for  
12 government of boroughs, and revising, amending, and  
13 consolidating the law relating to boroughs'; so as to  
14 provide a system of government where a borough now has  
15 annexed or hereafter shall annex land in an adjoining  
16 county, including assessment of property, levying and  
17 collection of taxes, making municipal improvements, and  
18 filing and collecting of liens for the same; the  
19 jurisdiction of courts for the enforcement of borough  
20 ordinances and State laws, and primary, general,  
21 municipal, and special elections; and repealing  
22 inconsistent laws," absolutely.

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

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

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

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

14           (xxviii) Section 412.2(g) of the act of June 3, 1937  
15 (P.L.1333, No.320), entitled "An act concerning  
16 elections, including general, municipal, special and  
17 primary elections, the nomination of candidates, primary  
18 and election expenses and election contests; creating and  
19 defining membership of county boards of elections;  
20 imposing duties upon the Secretary of the Commonwealth,  
21 courts, county boards of elections, county commissioners;  
22 imposing penalties for violation of the act, and  
23 codifying, revising and consolidating the laws relating  
24 thereto; and repealing certain acts and parts of acts  
25 relating to elections," absolutely.

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

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

30           (xxxi) Section 1 of the act of May 26, 1943

1 (P.L.637. No.280), entitled "An act providing that the  
2 terms of constables hereafter elected in cities of the  
3 second, second class A and third classes, boroughs and  
4 townships, shall be for six years," absolutely.

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

9 (xxxiii) Section 1126 of the act of February 1, 1966  
10 (1965 P.L.1656, No.581), entitled "An act concerning  
11 boroughs, and revising, amending and consolidating the  
12 law relating to boroughs," absolutely.

13 (xxxiv) Section 1 of the act of February 2, 1970  
14 (P.L.2, No.2), entitled "An act abolishing the office of  
15 constable in the City of Philadelphia and providing for  
16 the performance of duties under The Landlord and Tenant  
17 Act of 1951," absolutely.

18 (xxxv) Sections 1 and 2 of the act of June 29, 1976  
19 (P.L.475, No.121), entitled "An act clarifying the powers  
20 of constables, county detectives, sheriffs, deputy  
21 sheriffs, waterways patrolmen and game protectors," as to  
22 constables.

23 (xxxvi) Section 10 of the act of October 4, 1978  
24 (P.L.883, No.170), entitled "An act relating to conflicts  
25 of interest involving certain public officials serving in  
26 State or State agencies and local political subdivision  
27 positions and prohibiting certain public employees from  
28 engaging in certain conflict of interest activities  
29 requiring certain disclosures and providing penalties,"  
30 absolutely.

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

3 Section 5. The General Assembly finds and declares as  
4 follows:

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

8 (i) Except as otherwise provided in 44 Pa.C.S. Ch.  
9 71, all activities initiated under the statutory  
10 provisions repealed in section 4(2) of this act shall  
11 continue and remain in full force and effect and may be  
12 completed under 44 Pa.C.S. Ch. 71. Orders, regulations,  
13 rules and decisions which were made under the statutory  
14 provisions set forth in section 4(2) of this act and  
15 which are in effect on the effective date of 4(2) of this  
16 act shall remain in full force and effect until revoked,  
17 vacated or modified under 44 Pa.C.S. Ch. 71. Contracts,  
18 obligations and collective bargaining agreements entered  
19 into under the statutory provisions repealed in section  
20 4(2) of this act are not affected nor impaired by the  
21 repeal in section 4(2) of this act.

22 (ii) ~~Any~~ EXCEPT AS SET FORTH IN SUBPARAGRAPH (III), ←  
23 ANY difference in language between 44 Pa.C.S. Ch. 71  
24 Subchs. A, B, C, D, F and G and the statutory provisions  
25 repealed in section 4(2) of this act is intended only to  
26 conform to the style of the Pennsylvania Consolidated  
27 Statutes and is not intended to change or affect the  
28 legislative intent, judicial construction or  
29 administration and implementation of the statutory  
30 provisions repealed in section 4(2) of this act.

1 (III) SUBPARAGRAPH (II) DOES NOT APPLY TO ANY OF THE ←  
2 FOLLOWING PROVISIONS OF TITLE 44:

- 3 (A) SECTION 7112.
- 4 (B) SECTION 7113.
- 5 (C) SECTION 7114(A).
- 6 (D) SECTION 7143(H).
- 7 (E) SECTION 7148(B).
- 8 (F) SECTION 7149(B).
- 9 (G) SECTION 7151.

10 (2) The provisions on constable training have been  
11 transferred from former 42 Pa.C.S. §§ 2941 through 2949 to 44  
12 Pa.C.S. Ch. 71 Subch. E. REVISIONS HAVE BEEN MADE IN 44 ←  
13 PA.C.S. §§ 7143(H), 7148(B) AND 7149(B). Except as otherwise  
14 provided in 44 Pa.C.S. Ch. 71, all activities initiated under  
15 former 42 Pa.C.S. §§ 2941 through 2949 shall continue and  
16 remain in full force and effect and may be completed under 44  
17 Pa.C.S. Ch. 71 Subch. E. Orders, regulations, rules and  
18 decisions which were made under former 42 Pa.C.S. §§ 2941  
19 through 2949 and which are in effect on the effective date of  
20 section 1 (42 Pa.C.S. §§ 2941 through 2949) of this act shall  
21 remain in full force and effect until revoked, vacated or  
22 modified under 44 Pa.C.S. Ch. 71 Subch. E. Contracts,  
23 obligations and collective bargaining agreements entered into  
24 under former 42 Pa.C.S. §§ 2941 through 2949 and which are in  
25 effect on the effective date of section 1 (42 Pa.C.S. §§ 2941  
26 through 2949) of this act are not affected nor impaired by  
27 section 1 (42 Pa.C.S. §§ 2941 through 2949) of this act.

28 (3) Provisions on constable fees have been transferred  
29 from 42 Pa.C.S. § 2950 to 44 Pa.C.S. § 7161. Except as  
30 otherwise provided in 44 Pa.C.S. § 7161, all activities



1 initiated under former 42 Pa.C.S. § 2950 shall continue and  
2 remain in full force and effect and may be completed under 44  
3 Pa.C.S. § 7161. Orders, regulations, rules and decisions  
4 which were made under former 42 Pa.C.S. § 2950 and which are  
5 in effect on the effective date of section 1 (42 Pa.C.S. §  
6 2950) of this act shall remain in full force and effect until  
7 revoked, vacated or modified under 44 Pa.C.S. § 7161.  
8 Contracts, obligations and collective bargaining agreements  
9 entered into under former 42 Pa.C.S. § 2950 and which are in  
10 effect on the effective date of section 1 (42 Pa.C.S. § 2950)  
11 of this act are not affected nor impaired by section 1 (42  
12 Pa.C.S. § 2950) of this act.  
13 Section 6. This act shall take effect in 60 days.