

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL**No. 1607** Session of
2009

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

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES,
JUNE 25, 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13 Pennsylvania Consolidated Statutes is repealed: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 § 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 shall elect a properly qualified person for
4 constable in each ward.

5 § 7113. Boroughs.

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

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

13 § 7114. Townships.

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

15 (1) The qualified voters of every township shall vote
16 for and elect a properly qualified person for constable.

17 (2) The qualified electors of each township of the
18 first class may vote for and elect a properly qualified
19 person to serve as constable, in addition to the constable
20 elected under paragraph (1).

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

28 (c) Bond.--The bond given by a constable in a township shall
29 be in a sum not less than \$500 nor more than \$3,000, as the
30 court shall direct, and shall be taken by the clerk of the court

1 in the name of the Commonwealth, with conditions for just and
2 faithful discharge by the constable of the duties of office. The
3 bond shall be held in trust for the use and benefit of persons
4 who may sustain injury by reason of neglect of duty, and for the
5 same purposes and uses as a sheriff's bond.

6 SUBCHAPTER C

7 APPOINTMENT

8 § 7121. Constables.

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

16 § 7122. Deputy constables.

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

25 (b) Court approval and qualifications.--

26 (1) Except as set forth in paragraph (2), no deputy
27 shall be appointed, either by general or partial
28 deputization, without approbation of the court of common
29 pleas of the county, except for special appointments in a
30 civil suit or proceeding, at the request and risk of the

1 plaintiff or his agent. If a deputy no longer resides in, or
2 ceases to be a qualified elector of, the ward in which he was
3 appointed to serve, the court of common pleas may revoke the
4 appointment of the deputy upon petition of five duly
5 qualified electors of the ward and proof of facts requiring
6 revocation.

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

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

1 SUBCHAPTER D

2 CONFLICTS

3 § 7131. Public office.

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

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

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

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

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

15 (4) participating in election day activities.

16 § 7132. Police officers.

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

25 (b) Exception.--Unless prevented from doing so by the
26 operation of the civil service provisions of the act of February
27 1, 1966 (1965 P.L.1656, No.581), known as The Borough Code,
28 borough policemen who reside in the borough may hold and
29 exercise the office of constable in the borough, or in any ward
30 thereof, and receive all costs, fees and emoluments pertaining

1 to such office.

2 SUBCHAPTER E

3 TRAINING

4 Sec.

5 7141. Definitions.

6 7142. Conduct and insurance.

7 7143. Board established.

8 7144. Program established.

9 7145. Program contents.

10 7146. Continuing education.

11 7147. (Reserved).

12 7148. Use of firearms.

13 7149. restricted account.

14 § 7141. Definitions.

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

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

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

22 "Commission." The Pennsylvania Commission on Crime and
23 Delinquency of the Commonwealth.

24 "Court." The minor judiciary or any other court in this
25 Commonwealth.

26 "Judicial duties." Those services specified in section 7161
27 (relating to fees).

28 "Term of office of a deputy constable." The term of office
29 of the constable who appointed him.

30 § 7142. Conduct and insurance.

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

9 (b) Liability insurance.--Every constable and deputy
10 constable must file with the clerk of courts proof that he has,
11 currently in force, a policy of professional liability insurance
12 covering each individual in the performance of his judicial
13 duties with a minimum coverage of \$250,000 per incident and a
14 minimum aggregate of \$500,000 per year. The Constables'
15 Education and Training Board shall immediately investigate and
16 implement the most cost-effective method of achieving liability
17 insurance for constables and deputy constables under this
18 subsection.

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

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

1 violation of subsection (c), the individual may be recertified
2 by complying with subsection (b).

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

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

12 § 7143. Board established.

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

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

20 (1) Three persons who shall be constables.

21 (2) One person who shall be a magisterial district
22 judge.

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

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

25 (c) Appointments and terms.--Members shall serve for three-
26 year terms and may be appointed for more than one additional
27 consecutive term. If a member who serves by virtue of public
28 office ceases to represent the class to which he was appointed,
29 his membership in the commission shall terminate immediately,
30 and a new member shall be appointed in the same manner as his

1 predecessor to fill the unexpired portion of the term. No
2 constable may be appointed, be reappointed or serve as a board
3 member unless he is certified under this subchapter.

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

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

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

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

21 (h) Meetings.--The board shall meet as often as it deems
22 necessary but at least four times each year. Meetings may be
23 called by the chairman of the board or by any four members
24 thereof, in either case upon at least ten days' written notice
25 to all members of the board. A quorum shall consist of four
26 members.

27 § 7144. Program established.

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

30 (1) Establish, implement and administer the Constables'

1 Education and Training Program according to the minimum
2 requirements set forth in this subchapter.

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

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

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

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

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

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

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

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

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

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

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

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

15 (ii) The activities of the board.

16 (iii) The costs of the program.

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

18 § 7145. Program contents.

19 The Constables' Education and Training Program shall include
20 training for a total of 80 hours, the content of which shall be
21 determined by regulation. The training shall include instruction
22 in the interpretation and application of the fees provided for
23 in section 7161 (relating to fees).

24 § 7146. Continuing education.

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

1 § 7147. (Reserved).

2 § 7148. Use of firearms.

3 ~~(a) Standards.—The Constables' Education and Training~~ ←
4 ~~Board, with the review and approval of the Pennsylvania~~
5 ~~Commission on Crime and Delinquency, shall establish standards~~
6 ~~for the certification or qualification of constables and deputy~~
7 ~~constables to carry or use firearms in the performance of any~~
8 ~~duties.~~

9 ~~(b) Certification and qualification.—No constable or deputy~~ ←
10 ~~constable shall carry or use a firearm in the performance of any~~
11 ~~duties unless he is currently certified or qualified in firearms~~
12 ~~under at least one of the following:~~

13 ~~(1) The former act of June 18, 1974 (P.L.359, No.120),~~
14 ~~referred to as the Municipal Police Education and Training~~
15 ~~Law.~~

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

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

20 ~~(c) Availability.—In accordance with subsection (b), the~~
21 ~~firearms portion of the education and training under the listed~~
22 ~~laws shall be made available to constables and deputy~~
23 ~~constables.~~

24 § 7149. Restricted account.

25 (a) Account established.--There is established a special
26 restricted account within the General Fund, which shall be known
27 as the Constables' Education and Training Account, for the
28 purposes of financing training program expenses, the costs of
29 administering the program and all other costs associated with
30 the activities of the board and the implementation of this

1 subchapter and as provided under subsection (f).

2 (b) Surcharge.--There is assessed as a cost in each case
3 before a magisterial district judge a surcharge of \$5 per docket
4 number in each criminal case and \$5 per named defendant in each
5 civil case in which a constable or deputy constable performs a
6 service provided in Subchapter G (relating to compensation),
7 except that no county shall be required to pay this surcharge on
8 behalf of any indigent or other defendant in a criminal case.

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

14 (d) Disbursements.--Disbursements from the account shall be
15 made by the commission.

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

19 (f) Fund surplus.--If account money are sufficient to meet
20 the expenses and costs under subsection (a), the commission may
21 allocate any surplus funds in the account to assist constables
22 and deputy constables with costs associated with attendance at
23 continuing education programs under section 7146 (relating to
24 continuing education).

25 SUBCHAPTER F

26 POWERS AND DUTIES

27 Sec.

28 7151. General imposition of duties and grant of powers.

29 7152. Elections.

30 7153. Service of process.

1 7154. Collection of taxes.

2 7155. Arrest of offenders against forest laws.

3 7156. Executions.

4 7157. Returns and appearance.

5 7158. Arrest in boroughs.

6 7159. Trespassing livestock.

7 7159.1. Sale of trespassing livestock.

8 § 7151. General imposition of duties and grant of powers.

9 Constables shall perform all duties authorized or imposed on
10 them by statute.

11 § 7152. Elections.

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

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

18 (2) Serve at all elections.

19 § 7153. Service of process.

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

25 § 7154. Collection of taxes.

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

28 (1) Give a warrant against delinquent tax payers to a
29 constable unless the constable has given security by bond and
30 warrant, with two sufficient sureties and to the satisfaction

1 of the Court of Common Pleas, in the sum of \$5,000.

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

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

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

12 § 7155. Arrest of offenders against forest laws.

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

20 § 7156. Executions.

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

29 (b) Invalid returns.--If a constable makes a false return,
30 does not produce the plaintiff's receipt on the return day or

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

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

26 § 7157. Returns and appearance.

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

1 (b) Appearance.--A court may summon a constable to appear
2 before it and direct the constable to investigate a complaint of
3 a violation of law or of a condition which a constable is
4 required to report to the court and to make a report of his
5 investigation.

6 § 7158. Arrest in boroughs.

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

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

12 (2) May be engaged in the commission of any unlawful act
13 tending to imperil the personal security or endanger the
14 property of the citizens.

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

17 § 7159. Trespassing livestock.

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

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

30 (2) All reasonable costs of keeping the livestock shall

1 be part of the costs of care.

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

4 (1) If the owner is known and resides within the county
5 where the trespass has been committed, the constable shall
6 give written notice to the owner that the livestock has been
7 impounded, the location of the livestock and the name of the
8 owner of the land where the livestock trespassed. Notice
9 shall be given within 24 hours of impounding in accordance
10 with the Pennsylvania Rules of Civil Procedure.

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

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

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

1 five days.

2 § 7159.1. Sale of trespassing livestock.

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

7 (1) The livestock must be described with particularity
8 in a printed or written advertisement. The following shall
9 apply:

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

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

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

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

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

24 (ii) Not less than three, nor more than four, months
25 after the sale the magisterial district judge shall remit
26 any surplus to the county treasurer in the county where
27 the damage occurred.

28 (iii) The owner of the livestock shall have the
29 right to submit proof of ownership to the magisterial
30 district judge or the county treasurer at any time within

1 two years of the sale to claim any surplus of the sale.

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

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

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

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

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

18 (1) The action for replevin must be on the condition
19 that the owner of the livestock pay all damages and fees
20 including:

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

22 (ii) Costs of care.

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

25 (2) The damages and fees shall be itemized by costs,
26 damages and fees.

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

1 of the land.

2 (4) If a jury or the appraisers determine that the harm
3 to the owner of the land is greater than the harm to the
4 owner of the livestock, the court shall require the owner of
5 the livestock to pay a reasonable fee to the attorney for the
6 owner of the land.

7 SUBCHAPTER G

8 COMPENSATION

9 Sec.

10 7161. Fees.

11 7161.1. Specific fees.

12 7162. Returns.

13 7163. Election services.

14 7164. Impounding, selling and viewing fees.

15 7165. Seizure fees.

16 7166. Returns to court.

17 § 7161. Fees.

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

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

27 (c) Additional persons.--A constable or deputy constable
28 when he is transporting a prisoner, serving a felony or
29 misdemeanor warrant or serving a warrant on a juvenile or a
30 defendant of the opposite sex may, at his discretion, be

1 accompanied by a second constable or deputy constable who is
2 certified under section 7147 (relating to automatic
3 certification) to perform judicial duties. In those cases, each
4 officer shall receive the fee set out in this section. In all
5 other civil, landlord-tenant and summary criminal cases, the
6 issuing authority may authorize payment to a second officer.

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

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

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

26 (1) For serving complaint, summons or notice on suitor
27 or tenant, either personally or by leaving a copy, \$13, plus
28 \$5 for each additional defendant at the same address, \$2.50
29 for each return of service, plus mileage.

30 (2) For levying goods, including schedule of property

1 levied upon and set aside, notice of levy and return of
2 service, \$75, plus mileage.

3 (3) For advertising personal property for public sale,
4 \$7 per posting, with a maximum \$21 fee, plus mileage, plus
5 the cost of advertising.

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

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

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

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

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

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

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

25 (g) Criminal cases.--Fees in criminal cases shall be as
26 follows:

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

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

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

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

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

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

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

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

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

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

19 (11) Receipt of the fees for transporting an
20 incarcerated prisoner under paragraph (9) shall exclude
21 receipt of the fees under paragraphs (2), (3), (4) and (7)
22 for the transport.

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

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

1 plus mileage.

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

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

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

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

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

27 § 7161.1. Specific fees.

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

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

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

7 § 7162. Returns.

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

13 § 7163. Election services.

14 For services performed under section 7152 (relating to
15 election services), the constables and deputies performing the
16 services shall receive the same compensation payable to
17 inspectors and clerks under section 412.2(a) of the act of June
18 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election
19 Code. The compensation shall be paid by the county and the sum
20 shall include pay for serving notices in writing to persons
21 elected at the election.

22 § 7164. Impounding, selling and viewing fees.

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

30 (b) Viewing.--The fees for each viewer appointed to assess

1 the damages shall be \$1 for the first hour and \$.50 per hour for
2 each hour necessarily engaged after the first hour.

3 § 7165. Seizure fees.

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

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

20 § 7166. Returns to court.

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

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

28 SUBCHAPTER H

29 PENALTIES AND REMEDIES

30 Sec.

1 7171. Election notice in certain areas.

2 7172. Incompetence.

3 7173. Taxes.

4 7174. Action against security.

5 7175. Criminal penalty.

6 7176. Compensation violation.

7 7177. Failure to execute process.

8 7178. Failure to serve in a township.

9 § 7171. Election notice in certain areas.

10 (a) Scope.--This section applies to wards, townships and
11 districts.

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

17 (c) Elected constables.--An individual elected and notified
18 under subsection (b) shall appear on the next day that the court
19 of common pleas of the applicable judicial district is in
20 session and either decline or accept the office. A constable
21 elect who violates this subsection shall pay a civil penalty of
22 \$16 to the Commonwealth.

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

25 § 7172. Incompetence.

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

29 (1) A surety of the constable files a verified petition
30 alleging that the constable is incompetent to discharge

1 official duties because of ~~intemperence~~ INTEMPERANCE or
2 neglect of duty.

3 (2) Any person files a verified petition alleging that
4 the constable is incompetent to discharge official duties for
5 a reason other than ~~intemperence~~ INTEMPERANCE or neglect of
6 duty. This paragraph includes an act of oppression of a
7 litigant or a witness.

8 (b) Determination.--If the court determines that the
9 constable is incompetent to discharge official duties, the
10 following apply:

11 (1) The court may:

12 (i) require additional security from the constable;

13 or

14 (ii) remove the constable from office.

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

20 § 7173. Taxes.

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

23 (1) The constable is no longer authorized to receive
24 tax.

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

28 (3) The constable may not draw compensation until the
29 default is cured.

30 § 7174. Action against security.

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

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

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

6 (3) One of the following subparagraphs applies:

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

9 (ii) A judgment is entered against the constable for
10 failure under paragraph (2), and the judgment cannot be
11 paid.

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

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

16 § 7175. Criminal penalty.

17 A constable who neglects or refuses to perform the duties
18 under the act of June 3, 1937 (P.L.1333, No.320), known as the
19 Pennsylvania Election Code, commits a misdemeanor of the third
20 degree and shall, upon conviction, be sentenced to pay a fine of
21 \$500 or to imprisonment for not less than one month nor more
22 than one year, or both.

23 § 7176. Compensation violation.

24 A constable who violates the act of July 14, 1897 (P.L.206,
25 No.209), entitled "An act to regulate the remuneration of
26 policemen and constables employed as policemen throughout the
27 Commonwealth of Pennsylvania, and prohibiting them from charging
28 or accepting any fee or other compensation, in addition to their
29 salary, except as public rewards and mileage for traveling
30 expenses," commits a misdemeanor of the third degree and shall,

1 upon conviction, be sentenced to pay a fine of \$50 or to
2 imprisonment for not more than 30 days, or both.

3 § 7177. Failure to execute process.

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

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

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

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

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

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

14 (2) may collect the judgment in the name of the party
15 that won the judgment.

16 § 7178. Failure to serve in a township.

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

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

20 (2) The individual has a freehold estate worth at least
21 \$1,000.

22 (3) The individual fails to:

23 (i) serve; or

24 (ii) appoint a deputy to serve.

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

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

30 (1) has served personally or by deputy in the office of

1 constable of the same township within 15 years of election or
2 appointment; or

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

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

7 § 1376. Surrender of registration plates and cards upon
8 suspension or revocation.

9 * * *

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

16 * * *

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

25 * * *

26 § 1540. Surrender of license.

27 * * *

28 (c) Seizure of revoked, suspended, canceled or disqualified
29 licenses.--

30 (1) The department may delegate authority to the

1 following persons to seize the driver's license of any person
2 whose driver's license has been ordered to be surrendered by
3 a court or district attorney or by the department:

4 * * *

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

12 * * *

13 Section 4. Repeals are as follows:

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

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

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

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

30 (iii) Section 3 of the act of April 24, 1829

1 (P.L.369, No.216), entitled "A further supplement to the
2 act entitled An act to amend and consolidate with its
3 supplements, the act entitled An act for the recovery of
4 debts and demands not exceeding one hundred dollars
5 before a justice of the peace, and for the election of
6 constables, and for other purposes," absolutely.

7 (iv) Sections 107, 108, 109, 110, 111, 112, 113 and
8 114 of the act of April 15, 1834 (P.L.537, No.247),
9 entitled "An act relating to counties and townships, and
10 county and township officers," absolutely.

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

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

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

1 insurance companies," absolutely.

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

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

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

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

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

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

30 (xiv) Section 1 of the act of April 29, 1897

1 (P.L.29, No.25), entitled "An act to authorize constables
2 and other peace officers, without first procuring a
3 warrant, to arrest persons reasonably suspected by them
4 of offending against the laws protecting timber lands,"
5 absolutely.

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

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

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

21 (xviii) Section 1 of the act of April 25, 1905
22 (P.L.309, No.214), entitled "An act authorizing policemen
23 to hold and exercise the office of constables,"
24 absolutely.

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

28 (xx) Section 1 of the act of June 9, 1911 (P.L.727,
29 No.299), entitled "An act authorizing the election in
30 first class townships of an additional constable, and

1 fixing his term," absolutely.

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

5 (xxii) Sections 1, 2 and 3 of the act of May 31,
6 1919 (P.L.357, No.171), entitled "An act relating to the
7 duties of constables in certain counties; prohibiting
8 them from making returns to the court of quarter sessions
9 in certain cases; authorizing the court to direct
10 investigations and reports by constables, and fixing
11 their compensation in such cases," absolutely.

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

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

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

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

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

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

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

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

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

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

14 (xxxiii) Section 1126 of the act of February 1, 1966
15 (1965 P.L.1656, No.581), entitled "An act concerning
16 boroughs, and revising, amending and consolidating the
17 law relating to boroughs," absolutely.

18 (xxxiv) Section 1 of the act of February 2, 1970
19 (P.L.2, No.2), entitled "An act abolishing the office of
20 constable in the City of Philadelphia and providing for
21 the performance of duties under The Landlord and Tenant
22 Act of 1951," absolutely.

23 (xxxv) Sections 1 and 2 of the act of June 29, 1976
24 (P.L.475, No.121), entitled "An act clarifying the powers
25 of constables, county detectives, sheriffs, deputy
26 sheriffs, waterways patrolmen and game protectors," as to
27 constables.

28 (xxxvi) Section 10 of the act of October 4, 1978
29 (P.L.883, No.170), entitled "An act relating to conflicts
30 of interest involving certain public officials serving in

1 State or State agencies and local political subdivision
2 positions and prohibiting certain public employees from
3 engaging in certain conflict of interest activities
4 requiring certain disclosures and providing penalties,"
5 absolutely.

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

8 Section 5. The General Assembly finds and declares as
9 follows:

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

13 (i) Except as otherwise provided in 44 Pa.C.S. Ch.
14 71, all activities initiated under the statutory
15 provisions repealed in section 4(2) of this act shall
16 continue and remain in full force and effect and may be
17 completed under 44 Pa.C.S. Ch. 71. Orders, regulations,
18 rules and decisions which were made under the statutory
19 provisions set forth in section 4(2) of this act and
20 which are in effect on the effective date of 4(2) of this
21 act shall remain in full force and effect until revoked,
22 vacated or modified under 44 Pa.C.S. Ch. 71. Contracts,
23 obligations and collective bargaining agreements entered
24 into under the statutory provisions repealed in section
25 4(2) of this act are not affected nor impaired by the
26 repeal in section 4(2) of this act.

27 (ii) Except as set forth in subparagraph (iii), any
28 difference in language between 44 Pa.C.S. Ch. 71 Subchs.
29 A, B, C, D, F and G and the statutory provisions repealed
30 in section 4(2) of this act is intended only to conform

1 to the style of the Pennsylvania Consolidated Statutes
2 and is not intended to change or affect the legislative
3 intent, judicial construction or administration and
4 implementation of the statutory provisions repealed in
5 section 4(2) of this act.

6 (iii) Subparagraph (ii) does not apply to any of the
7 following provisions of Title 44:

8 (A) Section 7112.

9 (B) Section 7113.

10 (C) Section 7114(a).

11 (D) Section 7143(h).

12 (E) Section 7148(b).

13 (F) Section 7149(b).

14 (G) Section 7151.

15 (2) The provisions on constable training have been
16 transferred from former 42 Pa.C.S. §§ 2941 through 2949 to 44
17 Pa.C.S. Ch. 71 Subch. E. Revisions have been made in 44
18 Pa.C.S. §§ 7143(h), 7148(b) and 7149(b). Except as otherwise
19 provided in 44 Pa.C.S. Ch. 71, all activities initiated under
20 former 42 Pa.C.S. §§ 2941 through 2949 shall continue and
21 remain in full force and effect and may be completed under 44
22 Pa.C.S. Ch. 71 Subch. E. Orders, regulations, rules and
23 decisions which were made under former 42 Pa.C.S. §§ 2941
24 through 2949 and which are in effect on the effective date of
25 section 1 (42 Pa.C.S. §§ 2941 through 2949) of this act shall
26 remain in full force and effect until revoked, vacated or
27 modified under 44 Pa.C.S. Ch. 71 Subch. E. Contracts,
28 obligations and collective bargaining agreements entered into
29 under former 42 Pa.C.S. §§ 2941 through 2949 and which are in
30 effect on the effective date of section 1 (42 Pa.C.S. §§ 2941

1 through 2949) of this act are not affected nor impaired by
2 section 1 (42 Pa.C.S. §§ 2941 through 2949) of this act.

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

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

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