

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 927 Session of
2017

INTRODUCED BY RESCHENTHALER, ALLOWAY, YUDICHAK, RAFFERTY,
MENSCH, REGAN, VULAKOVICH, COSTA, WARD AND STEFANO,
OCTOBER 17, 2017

REFERRED TO JUDICIARY, OCTOBER 17, 2017

AN ACT

1 Amending Title 44 (Law and Justice) of the Pennsylvania
2 Consolidated Statutes, in constables, further providing for
3 definitions, and for townships, providing for bond, further
4 providing for deputy constables, providing for ceremonial
5 constables, further providing for police officers, providing
6 for bail bond enforcement agent, for professional bondsman,
7 for debt collection, for disqualification, for nepotism and
8 for precertification requirements, further providing for
9 definitions relating to training, for conduct and insurance,
10 for program established, for program contents, for use of
11 firearms, for restricted account, for general imposition of
12 duties and grant of powers, for elections, for executions,
13 for arrest in boroughs and for fees, repealing provisions
14 relating to specific fees and to election notice in certain
15 areas, further providing for incompetence and for
16 compensation violation, repealing provisions relating to
17 failure to serve in a township, providing for JNET
18 authorization and for local constabulary review boards,
19 establishing the Commonwealth Constabulary Review Board,
20 providing for vehicle cages and imposing duties on the
21 Pennsylvania Commission on Crime and Delinquency.

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

24 Section 1. Section 7102 of Title 44 of the Pennsylvania
25 Consolidated Statutes is amended by adding a definition to read:
26 § 7102. Definitions.

27 The following words and phrases when used in this chapter

1 shall have the meanings given to them in this section unless the
2 context clearly indicates otherwise:

3 "Commission." The Pennsylvania Commission on Crime and
4 Delinquency.

5 * * *

6 Section 2. Section 7114 of Title 44 is amended to read:

7 § 7114. Townships.

8 [(a) Election.--]The following shall apply:

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

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

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

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

30 Section 3. Title 44 is amended by adding a section to read:

1 § 7115. Bond.

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

10 Section 4. Section 7122 of Title 44 is amended to read:

11 § 7122. Deputy constables.

12 (a) General rule.--[Sole power to appoint deputy constables
13 in a ward, borough or township is vested in the constable of the
14 ward, borough or township, subject to approval of the court of
15 common pleas under subsection (b). No person shall be appointed
16 as a deputy constable unless, at the time of appointment, he is
17 a bona fide resident of the ward, borough or township for which
18 he is appointed and he continues to be a bona fide resident for
19 the duration of the appointment.] Sole power to appoint deputy
20 constables in a judicial district is vested in a constable of
21 the judicial district, subject to approval of the court of
22 common pleas under subsection (b). A person may not be appointed
23 as a deputy constable unless, at the time of appointment, the
24 person is a bona fide resident of the judicial district for
25 which the person is appointed and continues to be a bona fide
26 resident of the judicial district for the duration of the
27 appointment.

28 (b) Court approval and qualifications.--

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

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

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

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

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

6 Section 5. Title 44 is amended by adding a section to read:
7 § 7123. Ceremonial constables.

8 (a) Optional status.--Because of age, infirmity or other
9 reason, an elected constable may choose, during the term of the
10 constable, to become a ceremonial constable as provided in this
11 section.

12 (b) Notice.--An elected constable who chooses to become a
13 ceremonial constable shall provide written notice of that intent
14 to the president judge of the court of the common pleas of the
15 judicial district in which the elected constable serves.

16 (c) Vacancy established.--The notice under subsection (b)
17 shall cause a vacancy in the office of constable.

18 (d) Term of service.--Subject to section 7136 (relating to
19 disqualification):

20 (1) Subject to subsection (b), an elected constable who
21 chooses to become a ceremonial constable shall automatically
22 become a ceremonial constable.

23 (2) An individual may serve as a ceremonial constable
24 until the end of the term to which the individual was elected
25 as constable.

26 (e) Limited duty.--A ceremonial constable shall only perform
27 a duty under section 7152 (relating to elections).

28 (f) Applicability of other chapter provisions.--Only the
29 following provisions of this chapter shall apply to a ceremonial
30 constable:

1 (1) Section 7131 (relating to public office).

2 (2) Section 7132 (relating to police officers).

3 (3) Section 7133 (relating to bail bond enforcement
4 agent).

5 (4) Section 7134 (relating to professional bondsman).

6 (5) Section 7135 (relating to debt collection).

7 (6) Section 7136.

8 (7) Section 7152.

9 (8) Section 7163 (relating to election services).

10 (9) Section 7176 (relating to compensation violation).

11 (g) Conduct.--A ceremonial constable may not in any manner
12 hold himself or herself out to be active as an agent, an
13 employee or a representative of a court, magisterial district
14 judge or judge.

15 (h) Inquiry into official conduct and determination.--

16 (1) A court of common pleas with competent jurisdiction
17 may inquire into the official conduct of a ceremonial
18 constable if a person files a verified petition alleging that
19 the ceremonial constable is:

20 (i) incompetent to discharge official duties because
21 of intemperance or neglect of duty; or

22 (ii) malfeasant, engages in conduct or employment
23 prohibited by Subchapter D (relating to conflicts) or is
24 incompetent to discharge official duties for a reason
25 other than intemperance or neglect of duty.

26 (2) If the court determines that a ceremonial constable
27 is incompetent to discharge official duties, the court may
28 remove the ceremonial constable from office.

29 (i) Quo warranto.--A ceremonial constable is also subject to
30 removal by an action in quo warranto instituted by:

1 (1) the district attorney of the county in which the
2 ceremonial constable serves; or
3 (2) the Office of Attorney General.

4 Section 6. Section 7132 of Title 44 is amended to read:

5 § 7132. Police officers.

6 [(a) Constable employed as policeman not to accept other
7 fees in addition to salary.--Except for public rewards and legal
8 mileage allowed to a constable for traveling expenses, and
9 except as provided in subsection (b), it is unlawful for a
10 constable who is also employed as a policeman to charge or
11 accept a fee or other compensation, other than his salary as a
12 policeman, for services rendered or performed pertaining to his
13 office or duties as a policeman or constable.

14 (b) Exception.--Unless prevented from doing so by the
15 operation of 8 Pa.C.S. Ch. 11 Subch. J (relating to civil
16 service for police and fire apparatus operators), borough
17 policemen who reside in the borough may hold and exercise the
18 office of constable in the borough, or in any ward thereof, and
19 receive all costs, fees and emoluments pertaining to such
20 office.]

21 Except for public rewards and legal mileage allowed to a
22 constable or deputy constable for traveling expenses, a
23 constable or deputy constable who is also employed as a police
24 officer may not charge or accept a fee or other compensation,
25 other than salary as a police officer, for services rendered or
26 performed pertaining to the office or duties of a police
27 officer, constable or deputy constable. Reimbursement for
28 mileage is not payable to a constable or deputy constable for
29 travel within the municipality where the constable or deputy
30 constable is also employed as a police officer.

1 Section 7. Title 44 is amended by adding sections to read:

2 § 7133. Bail bond enforcement agent.

3 (a) General rule.--Unless separately licensed within the
4 Commonwealth as a bail bond enforcement agent, and except as
5 provided in subsection (b), a constable or deputy constable may
6 not recapture suspects who are released on bail. If separately
7 licensed within the Commonwealth as a bail bond enforcement
8 agent, a constable or deputy constable recapturing suspects
9 released on bail shall comply with all statutes and regulations
10 governing bail bond enforcement agents.

11 (b) Exception.--Regardless of licensure as a bail bond
12 enforcement agent, a constable or deputy constable may execute a
13 warrant of arrest issued for an individual released on bail.

14 § 7134. Professional bondsman.

15 A constable or deputy constable may not engage in or continue
16 to engage in business as a licensed professional bondsman.

17 § 7135. Debt collection.

18 (a) Debt collector.--Except when engaged under judicial or
19 other civil process, a constable or deputy constable may not
20 enforce, collect, settle, adjust or compromise claims on behalf
21 of a creditor or collection agency.

22 (b) Collector-repossessor.--Unless regularly employed by an
23 installment seller or a sales finance company, a constable or
24 deputy constable may not collect a payment on an installment
25 sale contract or repossess a motor vehicle that is the subject
26 of an installment sale contract. When collecting a payment or
27 repossessing a motor vehicle as a regularly employed person, a
28 constable or deputy constable may not hold himself out to be a
29 constable or deputy constable. A constable or deputy constable
30 who is authorized as a regularly employed person to collect

1 these payments or repossess motor vehicles may not independently
2 contract to perform the same or similar services as a constable
3 or deputy constable.

4 (c) Definitions.--As used in this section, the following
5 words and phrases shall have the meanings given to them in this
6 subsection unless the context clearly indicates otherwise:

7 "Claim." As defined in 18 Pa.C.S. § 7311(h) (relating to
8 unlawful collection agency practices).

9 "Collection agency." As defined in 18 Pa.C.S. § 7311(h).

10 "Creditor." As defined in 18 Pa.C.S. § 7311(h).

11 "Installment sale contract." As defined in 12 Pa.C.S. § 6202
12 (relating to definitions).

13 "Installment seller." As defined in 12 Pa.C.S. § 6202.

14 "Motor vehicle." As defined in 12 Pa.C.S. § 6202.

15 "Sales finance company." As defined in 12 Pa.C.S. § 6202.
16 § 7136. Disqualification.

17 (a) Ineligibility.--An individual is ineligible to be
18 certified as a constable or deputy constable if that individual:

19 (1) Was convicted of an offense graded as a felony or
20 serious misdemeanor and has not been pardoned for the
21 offense.

22 (2) Was convicted of an offense in another jurisdiction,
23 state, territory or country in accordance with the laws of
24 that jurisdiction, state, territory or country if the offense
25 is equivalent to an offense under paragraph (1), regardless
26 of the grading in that location.

27 (3) Is required to register under 42 Pa.C.S. § 9799.13
28 (relating to applicability).

29 (b) Certification.--The Constables' Education and Training
30 Board may not certify a constable or deputy constable under

section 7144(9) (relating to program established) who is
disqualified under subsection (a).

(c) Criminal history check.--To comply with this section,
the Constables' Education and Training Board shall check
criminal history record information under 18 Pa.C.S. Ch. 91
(relating to criminal history record information).

(d) Definition.--As used in this section, the term "serious
misdemeanor" means a criminal offense for which an individual
may be sentenced to imprisonment for one year or more.

§ 7137. Nepotism.

(a) Magisterial district judge.--A magisterial district
judge may not request services from nor assign work to a
constable or deputy constable related to the magisterial
district judge or a staff member of the magisterial district
judge.

(b) Constable.--A constable or deputy constable may not
perform work for or accept an assignment from a magisterial
district judge if the constable or deputy constable is related
to the magisterial district judge or a staff member of the
magisterial district judge.

(c) Definition.--As used in this section, the term "related
to" refers to a spouse, parent, sibling, aunt, uncle, niece,
nephew, cousin, grandparent, grandchild and member of the same
household.

§ 7138. Precertification requirements.

(a) Standards.--Prior to enrollment in an initial constable
or deputy constable certification course regarding basic
training which has been approved by the commission, an applicant
for constable or deputy constable shall satisfy the following
physical and psychological standards:

1 (1) The applicant shall be personally examined by a
2 physician and found to be physically fit to complete training
3 and handle lethal and nonlethal weapons. The examination must
4 yield the following results:

5 (i) The applicant must be free from debilitating
6 neurological conditions, including, but not limited to,
7 tremors, lack of coordination, convulsions or fainting
8 episodes.

9 (ii) The applicant must be reasonably able to
10 withstand significant cardiovascular stress.

11 (iii) The applicant must be free from the addictive
12 or excessive use of alcohol and drugs and entirely free
13 from any nonprescribed controlled substance, as defined
14 under the act of April 14, 1972 (P.L.233, No.64), known
15 as The Controlled Substance, Drug, Device and Cosmetic
16 Act.

17 (iv) The applicant must:

18 (A) have a visual acuity correctable to at least
19 20/20 in the stronger eye;

20 (B) have a visual acuity correctable to at least
21 20/40 in the weaker eye; and

22 (C) be free of any significant visual
23 abnormality.

24 (v) The applicant must be able to distinguish a
25 normal whisper at a distance of 15 feet. The audio acuity
26 test shall be independently conducted for each ear while
27 the tested ear is facing away from the speaker and the
28 other ear is firmly covered with the palm of the hand.

29 (vi) The applicant must be free from any other
30 significant physical defect or disorder that would, in

1 the physician's opinion, impair the applicant's ability
2 to handle a lethal or nonlethal weapon.

3 (2) The applicant shall be personally examined by a
4 psychologist and found to be psychologically capable of
5 exercising appropriate judgment or restraint to handle lethal
6 and nonlethal weapons at the time of the examination. The
7 examination shall include the following:

8 (i) A personal interview of the applicant and review
9 of the applicant's history. The information gathered
10 shall include a summary of the applicant's personal,
11 educational and employment history, along with any
12 criminal history.

13 (ii) The administration of any current standard form
14 of the Minnesota Multiphasic Personality Inventory (MMPI)
15 by the psychologist or a paraprofessional employed by and
16 under the direct control and supervision of the
17 psychologist.

18 (3) If the psychologist is unable to certify the
19 applicant's psychological capability or risk to exercise
20 appropriate judgment and restraint in the handling of a
21 lethal or nonlethal weapon at the time of the examination
22 under paragraph (2), after conducting the examination, the
23 psychologist shall personally employ whatever other
24 psychological measuring instruments and techniques are deemed
25 necessary to form a professional opinion. The use of these
26 instruments and techniques requires a full and complete
27 written explanation to the commission.

28 (b) Completion of requirements.--Prior to enrollment in the
29 next annual constable or deputy constable recertification
30 course, a currently certified constable or deputy constable who

1 has already attended the basic training component but has not
2 yet completed the physical and psychological examinations under
3 subsection (a) shall satisfy the requirements under subsection
4 (a).

5 (c) Costs.--Each constable or deputy constable, regardless
6 of whether elected or appointed to the position, shall bear the
7 costs associated with obtaining and meeting the standards under
8 this section.

9 (d) Submission.--

10 (1) The examining physician under this section shall
11 forward the physical examination form to the commission
12 within 15 days of the examination, even if the applicant is
13 found to be unfit.

14 (2) The examining psychologist under this section shall
15 forward the psychological examination form to the commission
16 within 15 days of the examination, even if the applicant is
17 found to be psychologically at risk.

18 (e) Effect of at-risk finding.--An individual who has been
19 found under this section to be psychologically at risk in the
20 exercise of appropriate judgment and restraint in the handling
21 of a lethal or nonlethal weapon may not reapply for
22 certification until at least one year has passed from the date
23 of the finding.

24 (f) Forms.--The commission shall provide acceptable forms
25 necessary to implement this section.

26 (g) Definitions.--As used in this section, the following
27 words and phrases shall have the meanings given to them in this
28 subsection unless the context clearly indicates otherwise:

29 "Physician." As defined under section 2 of the act of
30 December 20, 1985 (P.L.457, No.112), known as the Medical

1 Practice Act of 1985.

2 "Psychologist." A person engaged in the practice of
3 psychology, as described under the act of March 23, 1972
4 (P.L.136, No.52), known as the Professional Psychologists
5 Practice Act.

6 Section 8. Sections 7141, 7142(b) and (c), 7144(12), 7145
7 and 7148 of Title 44 are amended to read:

8 § 7141. Definitions.

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

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

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

16 ["Commission." The Pennsylvania Commission on Crime and
17 Delinquency of the Commonwealth.]

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

20 "Judicial duties." Those services specified in section 7161
21 (relating to fees).

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

24 § 7142. Conduct and insurance.

25 * * *

26 (b) Liability insurance.--Every constable and deputy
27 constable must file with the clerk of courts proof that he has,
28 currently in force, a policy of professional liability insurance
29 covering each individual in the performance of his judicial
30 duties with a minimum coverage of [\$250,000] \$500,000 per

1 incident and a minimum aggregate of [\$500,000] \$750,000 per
2 year. The Constables' Education and Training Board shall
3 [immediately] recurrently investigate and implement the most
4 cost-effective method of achieving liability insurance for
5 constables and deputy constables under this subsection.

6 (c) Loss of certification.--Any constable or deputy
7 constable who fails, neglects or refuses to maintain a current
8 insurance policy as required by subsection (b) or to file proof
9 thereof with the clerk of courts shall cease automatically to be
10 certified to perform judicial duties upon the expiration of the
11 policy of which proof has been filed with the clerk of courts. A
12 fee earned prior to loss of certification remains payable to the
13 constable or deputy constable.

14 * * *

15 § 7144. Program established.

16 The board, with the review and approval of the commission,
17 shall:

18 * * *

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

21 (i) The administration of the Constables' Education
22 and Training Program.

23 (ii) The activities of the board.

24 (iii) The costs of the program.

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

26 (v) The availability of insurance.

27 § 7145. Program contents.

28 The Constables' Education and Training Program shall include
29 training for a total [of 80 hours] ranging from a minimum of 120
30 hours to a maximum of 240 hours, the content of which shall be

1 determined by regulation. The training shall be separate from
2 any firearms-related training. The training shall include
3 instruction in the interpretation and application of the fees
4 provided for in section 7161 (relating to fees).

5 § 7148. Use of firearms.

6 The Constables' Education and Training Board, with the review
7 and approval of the [Pennsylvania Commission on Crime and
8 Delinquency] commission, shall establish standards for the
9 certification or qualification of constables and deputy
10 constables to carry or use firearms in the performance of [any]
11 duties[.] as constable or deputy constable. To serve or continue
12 serving as a constable or deputy constable, an individual must
13 be certified or qualified to carry or use firearms in the
14 performance of duties as constable or deputy constable.

15 Section 9. Section 7149(a), (b) and (e) of Title 44 are
16 amended and the section is amended by adding a subsection to
17 read:

18 § 7149. Restricted account.

19 (a) Account established.--There is established a special
20 restricted account within the General Fund, which shall be known
21 as the Constables' Education and Training Account, for the
22 purposes of financing training program expenses, the costs of
23 administering the program and all other costs associated with
24 the activities of the board and the implementation of this
25 subchapter and as provided under subsection (f). This account
26 shall also be used to pay the costs associated with the
27 Commonwealth Constabulary Review Board established by section
28 7182 (relating to Commonwealth Constabulary Review Board). The
29 costs shall not exceed \$5,000 per year without a majority vote
30 by the governing board of the commission.

1 (b) Surcharge.--[There] Except as provided in subsection
2 (b.1), there is assessed as a cost in each case before a
3 magisterial district judge a surcharge of [\$5] \$10 per docket
4 number in each criminal case and [\$5] \$10 per named defendant in
5 each civil case in which a constable or deputy constable
6 performs a service provided in Subchapter G (relating to
7 compensation)[, except that no county shall be required to pay
8 this surcharge on behalf of any indigent or other defendant in a
9 criminal case]. This surcharge shall be added to each docket
10 each time a constable or a deputy constable performs services
11 upon the docket. Additionally, a surcharge of \$10 shall be
12 assessed for any "miscellaneous" docket or "domestic relations"
13 docket issued by the court of common pleas in which a constable
14 or a deputy constable performs a service.

15 (b.1) Indigent defendant.--No county shall be required to
16 pay the surcharge under subsection (b) on behalf of a defendant
17 in a criminal case who is found to be indigent.

18 * * *

19 (e) Audit.--[The Auditor General shall conduct an audit of
20 the account as he may deem necessary or advisable, from time to
21 time, but not less than once every three years.] The Auditor
22 General shall conduct an annual audit of the special restricted
23 account to assure that all funds received and deposited are
24 utilized only for their intended purposes regarding constables.

25 * * *

26 Section 10. Sections 7151, 7152, 7156(b), 7158 and 7161 of
27 Title 44 are amended to read:

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

29 (a) Statutory duties.--Constables and deputy constables shall
30 perform all duties [authorized or] imposed on them by statute[.]

1 and comply with all the applicable provisions of this title.

2 (b) Badge and uniform.--

3 (1) When performing or attempting to perform an
4 authorized duty, a constable or deputy constable shall carry
5 a constabulary badge and wear a police-style uniform or other
6 clothing clearly identifying the individual as a constable or
7 deputy constable.

8 (2) If a constable or deputy constable is wearing a
9 uniform described under paragraph (1), the clothing:

10 (i) must display the word "constable" or "deputy
11 constable" as applicable; and

12 (ii) shall not display the word "police."

13 (3) By regulation, the commission may establish general
14 guidelines for uniforms or other clothing consistent with
15 this section.

16 § 7152. Elections.

17 (a) Duties.--The constable of a borough, township or ward,
18 or [his] a deputy constable, shall do all of the following:

19 (1) Be present at the polling place in each election
20 district of the borough, township or ward at [each election]
21 elections during the continuance of each election and while
22 the votes are being counted, for the purpose of preserving
23 the peace.

24 (2) Serve at [all] elections.

25 (b) Performance of duties.--A constable:

26 (1) Shall perform a duty under subsection (a) when a
27 county director of elections and voter registration requires
28 the constable to be present at a polling place within an
29 election district of the borough, township or ward in which
30 the constable was elected.

1 (2) May perform a duty under subsection (a) when a
2 county director of elections and voter registration requests
3 the constable to be present at a polling place within an
4 election district of the county outside the borough, township
5 or ward in which the constable was elected.

6 (3) May not perform a duty under subsection (a) unless
7 required or requested to do so by the county director of
8 elections and voter registration, who must base the
9 requirement or request on the input of judges of election.

10 (c) Deputy constable.--If a duty is required or requested
11 under subsection (b), a constable may have a deputy constable:

12 (1) Substitute for the constable.

13 (2) Supplement the presence of the constable when the
14 requirement or request involves more than one polling place.

15 (d) Ceremonial constable.--If a duty is required or
16 requested under subsection (b), a constable or deputy constable
17 may have a ceremonial constable:

18 (1) Substitute for the constable or deputy constable.

19 (2) Supplement the presence of the constable or deputy
20 constable when the requirement or request involves more than
21 one polling place.

22 (3) Serve concurrently at a polling place with the
23 constable or deputy constable.

24 § 7156. Executions.

25 * * *

26 (b) Invalid returns.--If a constable or deputy constable
27 makes a false return, does not produce the plaintiff's receipt
28 on the return day or makes a return deemed insufficient by the
29 magisterial district judge, the magisterial district judge shall
30 issue a summons to the constable or deputy constable to appear

1 on the designated day, which may not be more than eight days
2 from the date of issuance, to show cause why a writ of execution
3 should not be issued against the constable or deputy constable
4 for the amount of the writ of execution under subsection (a). If
5 the constable or deputy constable does not appear or does not
6 show sufficient cause why the writ of execution should not be
7 issued against him, the magisterial district judge shall enter
8 judgment against the constable or deputy constable for the
9 amount of the writ of execution under subsection (a) with costs.
10 No stay may be entered upon the writ of execution, and, upon
11 application of the plaintiff or his agent, the magisterial
12 district judge shall issue an execution against the constable or
13 deputy constable for the amount of the judgment, which may be
14 directed to an authorized person. The summons under this
15 subsection shall be issued to an authorized person to serve. If
16 the summons is not served, that person shall pay a fine of [\$20]
17 \$25. If an authorized person cannot be conveniently found to
18 serve the summons, the magisterial district judge shall direct
19 it to the supervisor of the highways of the township, ward or
20 district where the constable or deputy constable resides, who
21 shall serve the summons or pay a penalty of [\$20] \$25.

22 * * *

23 § 7158. Arrest [in boroughs].

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

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

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

property of the citizens.

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

(a) Authority.--In addition to executing a warrant of arrest, a readily identifiable constable or deputy constable while on official business may, without warrant and upon view and probable cause, arrest and commit for hearing a person whose ongoing or threatened conduct is a criminal offense presenting an immediate, clear and present danger to any person or the general public.

(b) Fee.--A fee is not payable for the effectuation of a warrantless arrest.

(c) Court forms.--A constable or deputy constable performing a warrantless arrest shall have access to appropriate court forms, including criminal complaint forms, to file charges accordingly.

(d) Effect of section.--Nothing in this section shall be construed to allow or authorize a constable or deputy constable to enforce any portion of 74 Pa.C.S. (relating to transportation) or 75 Pa.C.S. (relating to vehicles).

(e) Definition.--As used in this section the term "readily identifiable" means that the constable or deputy constable is wearing a uniform and carrying a badge as required under section 7151(b) (relating to general imposition of duties and grant of powers) and makes a reasonably prompt effort to identify himself as a constable or deputy constable.

§ 7161. Fees.

(a) Travel or mileage.--Actual mileage for travel by motor vehicle shall be reimbursed at a rate equal to the highest rate allowed by the Internal Revenue Service. Actual mileage for

1 travel by motor vehicle is reimbursable for distances equaling
2 or exceeding one mile. If travel occurs by a mode other than
3 motor vehicle, reimbursement shall be for the vouchered travel
4 expenses.

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

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

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

28 (e) Payment.--All civil, landlord-tenant and criminal fees
29 shall be paid by the court to the constable or deputy constable
30 as soon as possible and in no case not more than 15 days in

1 civil and landlord-tenant cases and 30 days in criminal cases
2 after the service is performed and a proper request for payment
3 is submitted, provided that, in criminal cases where the books
4 and accounts of the relevant county offices are payable on a
5 monthly basis, payment shall be made not more than 15 days after
6 the close of the month.

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

9 (1) For serving complaint, summons or notice on suitor
10 or tenant, either personally or by leaving a copy, [\$13] \$15,
11 plus [\$5] \$6 for each additional defendant at the same
12 address, [\$2.50] \$3 for each return of service, plus mileage.

13 (2) For levying goods, including schedule of property
14 levied upon and set aside, notice of levy and return of
15 service, [\$75] \$90, plus mileage.

16 (3) For advertising personal property for public sale,
17 [\$7] \$8 per posting, with a maximum [\$21] \$25 fee, plus
18 mileage, plus the cost of advertising.

19 (4) For selling goods levied, receipts and returns to
20 court, [\$85] \$100, plus mileage.

21 (5) For making return of not found, [\$13] \$15, plus
22 mileage. Payment shall be limited to three returns of not
23 found.

24 (6) For executing order of possession, [\$13] \$15, plus
25 [\$5] \$6 for each additional defendant at the same address,
26 [\$2.50] \$3 for each return of service, plus mileage.

27 (7) For ejectment, [\$90] \$105, [\$2.50] \$3 for each
28 return of service, plus mileage.

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

1 (9) For providing courtroom security as ordered by a
2 magisterial district judge, [\$13] \$15 per hour, assessed
3 against one or more parties as determined by the court.

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

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

12 (1) For executing each warrant of arrest or for
13 effectuating the payment of fines and costs by attempting to
14 execute each warrant of arrest, [\$25] \$29 for each docket
15 number and [\$2.50] \$3 for each return of service, plus
16 mileage.

17 (2) [For taking custody of a defendant, \$5 per
18 defendant.] For taking physical custody of a defendant, \$10
19 per defendant, starting when released by a law enforcement
20 agency or jailor to the constable or deputy constable or
21 after the execution of a warrant of arrest and ending with
22 discharge or commitment, with the starting and ending times
23 documented.

24 (3) [For conveyance of defendant to or from court, \$5
25 per defendant.] For physically taking a defendant to or from
26 court, \$10 per defendant, but payable when directed to do so
27 and documented by a magisterial district judge. This fee is
28 not payable in addition to the fees for transporting a
29 defendant by motor vehicle under paragraphs (9) and (10)
30 during the same trip.

1 (4) [For attendance at arraignment or hearing, \$13.] For
2 physical attendance at arraignment, preliminary hearing or
3 payment determination hearing, \$15 as a flat fee, but the
4 beginning and ending times must be documented.

5 (5) [For executing discharge, \$5 per defendant.] For
6 executing discharge in lieu of arresting a defendant on a
7 warrant when the money was collected to clear the warrant,
8 \$10 per defendant.

9 (6) For executing a judicial order of commitment, [\$5]
10 \$8 per defendant.

11 (7) [For executing release, \$5 per defendant.] For
12 executing release of custody from police, sheriff or a
13 correctional facility to a constable or deputy constable, \$8
14 per defendant.

15 (8) [For making returns to the court, \$2.50.] For making
16 timely returns of completed paperwork to the court or issuing
17 authority, \$5. For nonservice of a criminal or bench warrant,
18 the court shall require the constable or deputy constable to
19 execute an affidavit of due diligence documenting the search
20 efforts.

21 (9) Transporting by motor vehicle each nonincarcerated
22 defendant to jail, [\$17] \$20, plus mileage; transporting by
23 motor vehicle an incarcerated prisoner, [\$38] \$44 per
24 prisoner, plus an hourly rate of [\$13] \$15 per hour, plus
25 mileage. Computation of hourly rate will apply after the
26 expiration of the first hour per prisoner per hour, not to
27 exceed [\$26] \$30 per hour per constable or deputy constable.

28 (10) Receipt of the fees for transporting by motor
29 vehicle a nonincarcerated defendant under paragraph (9) shall
30 not exclude receipt of the fees under paragraphs (6) and (8)

1 for that transport.

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

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

12 (13) [For conveying defendants for fingerprinting, \$17
13 per defendant, plus \$13 per hour beyond the first hour per
14 defendant per hour, not to exceed \$26 per hour per constable,
15 plus mileage.] For physically taking defendants for
16 fingerprinting at a location other than jail, \$20 per
17 defendant as ordered by a magisterial district judge, plus
18 \$15 per hour while present beyond the first hour per
19 defendant per hour, not to exceed \$30 per hour per constable,
20 plus mileage. Unless the fingerprinting is done at a location
21 other than the jail, this fee is not payable in addition to
22 the fees for transporting defendants by motor vehicle under
23 paragraphs (9) and (10) during the same trip.

24 (14) For holding one or more defendants at the office of
25 a magisterial district judge[, \$13] for the time the
26 constable or deputy constable remains prior to the start of
27 the hearing and the time after the conclusion of the hearing
28 but prior to release or transport, \$15 per hour per defendant
29 beyond the first half hour.

30 (15) For courtroom security as ordered by a magisterial

1 district judge, [§13] \$15 per hour, assessed against one or
2 more parties as determined by the court.

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

13 (17) The fees for physically taking a defendant under
14 paragraphs (3) and (13) are payable whether the defendant is
15 taken by motor vehicle or otherwise, but the fees for
16 transporting a defendant by motor vehicle under paragraphs
17 (9), (10) and (11) are not payable if the defendant is not
18 transported accordingly.

19 (h) Subpoenas.--For serving district court-issued subpoenas
20 for civil, landlord-tenant or criminal matters, [§13] \$15 for
21 first witness, plus [§5] \$6 for each additional witness at the
22 same address, [§2.50] \$3 return of service for each subpoena,
23 plus mileage. The same fee shall be payable for attempting to
24 serve a subpoena at a wrong address supplied by the party
25 requesting the service. The fees for witnesses and return of
26 service under this subsection accrue per docket number.

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

1 (j) Nepotism.--A fee under this subchapter is not payable if
2 the claim for payment arose under the circumstances prohibited
3 in section 7137 (relating to nepotism).

4 (k) Annual adjustment.--Beginning January 1, 2020, the
5 commission shall annually adjust the fee amounts under this
6 section to reflect any upward changes in the Consumer Price
7 Index for all Urban Consumers for the Pennsylvania, New Jersey,
8 Delaware and Maryland area in the preceding 12 months and shall
9 immediately submit the adjusted fee amount to the Legislative
10 Reference Bureau for publication as a notice in the Pennsylvania
11 Bulletin. The fee shall be adjusted by multiplying the annual
12 fee amount by any percentage increase to the Consumer Price
13 Index for all Urban Consumers for the Pennsylvania, New Jersey,
14 Delaware and Maryland area, rounded to the nearest \$1. The
15 resultant product shall be added to the fee amount and the sum
16 shall become the new annual fee amount under this section.

17 Section 11. Sections 7161.1 and 7171 of Title 44 are
18 repealed:

19 [§ 7161.1. Specific fees.

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

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

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

29 § 7171. Election notice in certain areas.

30 (a) Scope of section.--This section applies to wards,

1 townships and districts.

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

7 (c) Elected constables.--An individual elected and notified
8 under subsection (b) shall appear on the next day that the court
9 of common pleas of the applicable judicial district is in
10 session and either decline or accept the office. A constable
11 elect who violates this subsection shall pay a civil penalty of
12 \$16 to the Commonwealth.

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

15 Section 12. Sections 7172 and 7176 of Title 44 are amended
16 to read:

17 § 7172. Incompetence and removal.

18 (a) Inquiry.--A court of common pleas with competent
19 jurisdiction may inquire into the official conduct of the
20 constable or deputy constable if any of the following apply:

21 (1) A surety of the constable or deputy constable files
22 a verified petition alleging that the constable or deputy
23 constable is incompetent to discharge official duties because
24 of intemperance or neglect of duty.

25 (2) Any person files a verified petition alleging that
26 the constable or deputy constable is malfeasant, engages in
27 conduct or employment prohibited by Subchapter D (relating to
28 conflicts) or is incompetent to discharge official duties for
29 a reason other than intemperance or neglect of duty. This
30 paragraph includes an act of oppression of a litigant or a

1 witness.

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

5 (1) The court may:

6 (i) require additional security from the constable
7 or deputy constable; or

8 (ii) remove the constable or deputy constable from
9 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 (c) Quo warranto.--A constable or deputy constable is also
16 subject to removal by an action in quo warranto instituted by:

17 (1) the district attorney of the county in which the
18 constable or deputy constable serves; or

19 (2) the Office of Attorney General.

20 (d) Deputy constable.--A constable may revoke the
21 appointment of a deputy constable with or without court
22 approval.

23 § 7176. Compensation violation.

24 A constable or deputy constable who violates [the act of July
25 14, 1897 (P.L.206, No.209), entitled "An act to regulate the
26 remuneration of policemen and constables employed as policemen
27 throughout the Commonwealth of Pennsylvania, and prohibiting
28 them from charging or accepting any fee or other compensation,
29 in addition to their salary, except as public rewards and
30 mileage for traveling expenses,"] section 7132 (relating to

1 police officers) commits a misdemeanor of the third degree and
2 shall, upon conviction, be sentenced to pay a fine of [\$50]
3 \$1,000 or to imprisonment for not more than 30 days, or both.

4 Section 13. Section 7178 of Title 44 is repealed:

5 [\$ 7178. Failure to serve in a township.

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

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

9 (2) The individual has a freehold estate worth at least
10 \$1,000.

11 (3) The individual fails to:

12 (i) serve; or

13 (ii) appoint a deputy to serve.

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

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

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

22 (2) has paid a fine under subsection (b) within 15 years
23 of election or appointment.]

24 Section 14. Title 44 is amended by adding a section to read:

25 \$ 7179. JNET authorization.

26 (a) Access to JNET.--

27 (1) To carry out assigned judicial duties, constables or
28 deputy constables shall be authorized to access driver
29 information, photographs, address information and other
30 pertinent information contained within JNET. This access

1 shall be available to constables via:

2 (i) authorized court personnel or authorized court
3 staff;

4 (ii) authorized municipal police officers, the
5 Pennsylvania State Police or deputy sheriffs; or

6 (iii) any other authorized JNET criminal justice
7 user.

8 (2) A constable or a deputy constable must be in
9 possession of a judicial assignment including, but not
10 limited to, a warrant, a subpoena, a protection from abuse
11 order, an order of execution or an order of possession in
12 order to obtain information under paragraph (1).

13 (3) To assure compliance with rules and regulations
14 established by JNET and to track and audit authorized
15 information released to constables or deputy constables, the
16 JNET user giving information shall document at least one of
17 the following:

18 (i) The official docket number or case number of the
19 assigned duty and the constable or deputy constable PCCD
20 certification number.

21 (ii) The offense tracking number, if applicable, and
22 the constable or deputy constable PCCD certification
23 number.

24 (b) Definitions.--As used in this section, the following
25 words and phrases shall have the meanings given to them in this
26 subsection unless the context clearly indicates otherwise:

27 "JNET." The Pennsylvania Justice Network established under 4
28 Pa. Code Ch. 6 Subch. SS (relating to Pennsylvania Justice
29 Network (JNET) Governance Structure).

30 "PCCD." The Pennsylvania Commission on Crime and

1 Delinquency.

2 Section 15. Title 44 is amended by adding a subchapter to
3 read:

4 SUBCHAPTER I

5 MISCELLANEOUS PROVISIONS

6 Sec.

7 7181. Local constabulary review board.

8 7182. Commonwealth Constabulary Review Board.

9 7183. Vehicle cages.

10 § 7181. Local constabulary review board.

11 (a) Establishment and purpose.--Each judicial district shall
12 establish a constabulary review board to:

13 (1) Assist in resolving disputes involving constables or
14 deputy constables and their performance of duties or payment
15 for that performance.

16 (2) Establish uniform policies, procedures and standards
17 affecting constabulary service and payment for those
18 services. In doing so, the constabulary review board may
19 adopt or promulgate a constabulary handbook, if the handbook
20 fully complies with this chapter.

21 (3) Comply with and implement any statute, regulation,
22 rule of court, judicial ruling or ruling affecting
23 constabulary service from the Commonwealth Constabulary
24 Review Board established under section 7182 (relating to
25 Commonwealth Constabulary Review Board).

26 (b) Membership.--Membership of a constabulary review board
27 under this section shall include the following:

28 (1) The following individuals appointed by the president
29 judge of the judicial district:

30 (i) One magisterial district judge of the judicial

district.

(ii) Two constables certified by the commission and
serving the judicial district.

(iii) One member of the public residing in the
judicial district.

(2) The county controller or a designee of the county
controller.

(c) Chairperson.--The president judge of the judicial
district shall appoint an individual from among the members
under subsection (b) to serve as the chairperson of the
constabulary review board.

(d) Conflict.--If there is a conflict directly involving a
member of a constabulary review board, the appointing authority
shall appoint an alternate to be used to consider the issue.

(e) Tied decision.--If a constabulary review board reaches a
tied decision on a matter brought before it, the president judge
of the judicial district shall cast the tie-breaking vote.

(f) Term.--The full term of a member of a constabulary
review board shall be two years. A member may not serve more
than two consecutive two-year terms. Each new term shall begin
January 1 of an even-numbered year.

(g) Meetings.--Meetings of the constabulary review board
shall occur:

(1) at least once on a quarterly basis, but the
chairperson may call for additional meetings to fulfill the
duties of the constabulary review board; and

(2) in the courthouse of the judicial district, except
as otherwise determined jointly by the chairperson of the
constabulary review board and the president judge of the
judicial district.

1 (h) Vacancy.--If a vacancy occurs on the constabulary review
2 board, the appointing authority shall appoint a replacement
3 member who shall serve for the remainder of the unexpired term.

4 (i) Compensation.--A member of the constabulary review board
5 shall not receive compensation for service as a member but shall
6 be reimbursed for all necessary travel and other reasonable
7 expenses incurred in connection with the performance of duties
8 as a member of the constabulary review board.

9 (j) Removal.--The president judge of the judicial district
10 may, upon cause shown, remove a member of the constabulary
11 review board.

12 (k) Referral.--Any matter before a constabulary review board
13 that involves the investigation or allegation of criminal
14 misconduct shall immediately be referred to the office of
15 district attorney of the judicial district to preserve the
16 constitutional rights of any individual who is under
17 investigation or the subject of allegation.

18 (l) Administrative penalties.--A constabulary review board
19 may assign administrative penalties as appropriate.

20 § 7182. Commonwealth Constabulary Review Board.

21 (a) Establishment and purpose.--By regulation, the
22 commission shall establish the Commonwealth Constabulary Review
23 Board to:

24 (1) Assist in resolving disputes involving constables or
25 deputy constables and their performance of:

26 (i) Nonjudicial duties, of which the Commonwealth
27 Constabulary Review Board shall have original
28 jurisdiction.

29 (ii) Judicial duties, on appeal from a determination
30 from a county constabulary review board.

1 (2) Comply with and implement any statute, regulation,
2 rule of court or judicial ruling affecting constabulary
3 service.

4 (b) Membership of the Commonwealth Constabulary Review Board
5 shall include the following:

6 (1) The following individuals appointed by the
7 commission, with consideration given to geographic and
8 demographic diversity across this Commonwealth:

9 (i) Two magisterial district judges.

10 (ii) Three constables or deputy constables.

11 (iii) Two county controllers.

12 (iv) Two members of the public with knowledge or
13 experience in matters under this chapter.

14 (2) One individual appointed by the President pro
15 tempore of the Senate.

16 (3) One individual appointed by the Minority Leader of
17 the Senate.

18 (4) One individual appointed by the Speaker of the House
19 of Representatives.

20 (5) One member appointed by the Minority Leader of the
21 House of Representatives.

22 (c) Chairperson.--The commission shall appoint an individual
23 from among the members under subsection (b) to serve as the
24 chairperson of the Commonwealth Constabulary Review Board.

25 (d) Conflict.--If there is a conflict directly involving a
26 member of the Commonwealth Constabulary Review Board, the
27 appointing authority shall appoint an alternate to be used to
28 consider the issue.

29 (e) Tied decision.--If the Commonwealth Constabulary Review
30 Board reaches a tied decision on a matter brought before it, the

1 commission shall decide the matter.

2 (f) Term.--The full term of a member of the Commonwealth
3 Constabulary Review Board shall be two years. A member may not
4 serve more than two consecutive two-year terms. Each new term
5 shall begin January 1 of an even-numbered year.

6 (g) Meetings.--Meetings of the Commonwealth Constabulary
7 Review Board shall occur:

8 (1) at least once on a quarterly basis, but the
9 chairperson may call for additional meetings to fulfill the
10 duties of the Commonwealth Constabulary Review Board; and

11 (2) at locations within this Commonwealth as determined
12 by the chairperson of the Commonwealth Constabulary Review
13 Board.

14 (h) Vacancy.--If a vacancy occurs on the Commonwealth
15 Constabulary Review Board, the appointing authority shall
16 appoint a replacement member who shall serve for the remainder
17 of the unexpired term.

18 (i) Compensation.--A member of the Commonwealth Constabulary
19 Review Board shall not receive compensation for service as a
20 member but shall be reimbursed for all necessary travel and
21 other reasonable expenses incurred in connection with the
22 performance of duties as a member of the Commonwealth
23 Constabulary Review Board.

24 (j) Removal.--The commission may, upon cause shown, remove a
25 member of the Commonwealth Constabulary Review Board.

26 (k) Referral.--Any matter before the Commonwealth
27 Constabulary Review Board that involves the investigation or
28 allegation of criminal misconduct shall immediately be referred
29 to the office of district attorney of the appropriate judicial
30 district or to the Office of Attorney General to preserve the

1 constitutional rights of any individual who is under
2 investigation or the subject of allegation.

3 (l) Appeals.--The Commonwealth Court has jurisdiction to
4 hear an appeal of a final order entered in any matter considered
5 by the Commonwealth Constabulary Review Board.

6 (m) Administrative penalties.--The Commonwealth Constabulary
7 Review Board may assign administrative penalties as appropriate.
8 § 7183. Vehicle cages.

9 A motor vehicle used by a constable or deputy constable for
10 the transportation of a defendant shall contain a cage behind
11 the driver's seat and in front of the back passenger seat for
12 purposes of creating separate and secure areas of the motor
13 vehicle for the constable or deputy constable and the defendant.
14 The cage shall be permanent rather than temporary and of the
15 same type and quality as a similar cage in a motor vehicle used
16 by a sheriff or police officer.

17 Section 16. This act shall take effect in six months.