**THE GENERAL ASSEMBLY OF PENNSYLVANIA**

**HOUSE BILL NO. \_\_\_\_\_\_**

**Session of 2025**

**INTRODUCED BY [SPONSOR NAME(S)], [DATE]**

**REFERRED TO COMMITTEE ON [\_\_\_\_\_\_\_\_], [DATE]**

An Act

Amending Title 44 (Law and Justice) of the Pennsylvania

Consolidated Statutes, in constables, providing for clearer definitions and clarification, enhanced qualifications and training, establishing better accountability, protecting the people’s rights, providing structure, and ensuring sustainability.

The General Assembly of the Commonwealth of Pennsylvania

hereby enacts as follows:

§7104, §7105, §7111, §7113, §7114, §7115, §7116, §7121, §7122, §7132, §7133, §7142, §7143, §7144, §7145, §7148, §7149, §7515, §7152, §7158, §7159, §7161, §7161.1, §7163, §7164, §6155, §6158, §7171, §7172, §7176, §7178, §7179, §7181

of the Pennsylvania Consolidated Statutes are amended to read:

**§ 7104**. **Office of State Constable.**—

**(a)**The Office of State Constable is a law enforcement and criminal justice agency within the Commonwealth of Pennsylvania, comprised of an elected constable and, at the constable’s discretion, appointed deputy constables. Constables and their deputies are peace officers charged with preserving the peace and protecting the public throughout the Commonwealth. They may also serve the judiciary by executing duties as set forth in this chapter.

**(b)**Constables may provide civil services to both public and private entities, including the service of civil process and peacekeeping functions, at the discretion of the constable.

**(c)**In performing these duties, constables shall act in accordance with state law, within the scope of their legal authority, and in a manner that safeguards the civil liberties of the citizens of the Commonwealth.

**(d)**Each Constable’s Office shall be recognized as a distinct and independent law enforcement agency, separate from all municipal, county, and state law enforcement departments and elected officials. Owing to the constitutional doctrine of separation of powers, the Office of State Constable shall remain within the executive branch of government and shall not be subject to the authority or control of any other branch of government.

**(e)**A qualified individual shall be elected by the citizens of each municipality within the Commonwealth to serve as the state constable, in accordance with the provisions set forth in this chapter.

**§ 7104.1 Right to freely exercise duty and authority of office.**

**(a)**Constables shall be permitted to exercise the duties and powers of their office without hindrance, harassment, barratry, or oppression. Constables shall be afforded qualified immunity in accordance with applicable law, for actions taken in good faith and within the lawful scope of their authority.

**(b)**Any person, official, or agency that unlawfully interferes with a constable in the execution of their lawful duties shall be guilty of a misdemeanor of the second degree. A second offense by the same individual shall constitute a misdemeanor of the first degree. A third or subsequent offense shall be classified as a felony of the third degree.

**(c)**This provision shall not apply where the constable is clearly and actively engaged in conduct that is patently unlawful and presents an immediate and substantial risk to public safety.

**(d)**Constables shall not be unjustly impeded, harassed, obstructed, or otherwise interfered with in the lawful performance of their duties, the exercise of their authority, or the representation of their office.

**(e)**No statutory law shall supersede or conflict with established common law pertaining to the constabulary.

**§ 7105. The Constabulary.--**

1. **The Constabulary.**

The Constabulary shall consist of elected constables for each municipality within the Commonwealth, along with deputy constables appointed at the discretion of the elected constable.

**(b)**Although each elected office of constable is a unique and independent agency, it represents the constabulary as a whole. Therefore, the following structure applies:

(1) The Constabulary shall be divided into seven (7) regions. Within each region, the constables shall elect one Regional Coordinator of Constabulary Operations (RCCO) from among the currently serving elected constables of that region to serve a three-year term. There shall be no limit on the number of terms a constable may serve as RCCO.

(2) The elected individual shall retain their role and responsibilities as a constable and shall perform the duties of RCCO as a subsidiary function in addition to their constable duties.

(3)All RCCOs shall collectively form the State Constabulary Council (SCC).

(4)A State Constabulary Commissioner shall also be elected to oversee the activities of the SCC and RCCOs, and to serve as a liaison between the Constabulary, the state legislature, and other applicable agencies.

**(c)Regional Coordinator of Constabulary Operations.—**

(1) The duty of the Regional Coordinator (RCCO) shall be to provide guidance and recommendations on professional standards, code of conduct, and continuity of operations for the betterment of the constabulary and the citizens they are elected to serve. The RCCO shall oversee any applicable committees, specialized departments, subsidiary agencies, organizations, and specialized teams, and may appoint leadership to each as deemed necessary.

(2) The RCCO shall provide a biannual report on constabulary operations, including identified issues and recommendations, to the State Constable Council (SCC), and shall make this report available to the public.

(3)The Regional Coordinator may be removed from office by a majority vote of the constables within the region, following a recommendation from the Constable Review Board. Such removal must follow an arbitration meeting involving the petitioning constables, the Regional Coordinator, and the Constable Review Board, and must include a finding of justification for removal.

(4)In the event of a vacancy, a special election shall be held by the constables of the region to elect a new constable to serve as Regional Coordinator.

**(d)Establishment of the State Constabulary Council.—**

 The State Constabulary Council (SCC) shall be composed of the Regional Coordinators from each of the seven regions.

(1) The SCC shall meet as frequently as deemed necessary, but no less than twice per year, to collaborate, discuss matters related to the constabulary and other law enforcement issues, and to make recommendations to each respective region.

(2) The SCC shall prepare and submit an annual report detailing constabulary accomplishments, challenges, and recommendations. This report shall be provided to the State Constabulary Commissioner and the state legislature.

(3) The SCC shall establish a **Constable Review Board** to hear matters concerning alleged violations by constables, including but not limited to: dereliction of duty, failure to serve, misconduct, malfeasance, corruption, and other formal complaints.

(4) Additionally, the SCC shall serve as a **Grievance Review Board**, and shall file any valid grievances on behalf of the constabulary with the Pennsylvania Commission on Crime and Delinquency (PCCD), or with any relevant agency, county, or state government. This shall be done prior to pursuing legal action, in the event that the grievance is not resolved to the satisfaction of the filer.

(5) The SCC shall make public feedback surveys available to individuals who have had interactions with a constable, to promote transparency and accountability.

(6) The SCC may issue official endorsements to any local constable’s office that meets the current professional standards as established by the SCC and the Regional Coordinators of Constabulary Operations (RCCOs).

**(e) Establishment of the Constable Review Board.**

(1)The Constable review board shall investigate and hear any testimony related to a complaint about a constable and determine together the legitimacy of the complaint and if the preponderance of evidence establishes any grounds for further action.

(2)If determined that further action is justified, the board shall make a report that will be sent to the Governor, along with any recommendations by constable review board.

(3)If the Governor finds grounds for the discipline or removal of a constable from office, the procedure under state law for removal of civil officers shall be followed following due process.

(4) The Review Board shall be composed of no fewer than five constables appointed by the SCC and the district attorney or a representative from their office. Any member of the Review Board or SCC who is the subject of the complaint shall be disqualified from participating in the review process. A replacement shall be selected at random from among eligible constables. If no constable accepts the temporary appointment, the State Constabulary Commissioner shall serve in that capacity until the review is concluded.

(5)If a conflict of interest exists between the constable in question and the district attorney, the district attorney shall temporarily be replaced by a currently acting district attorney from another county appointed by the SCC to fill the role until that inquiry is completed.

(6)If any member of the review board is the constable in question, they may not participate in the review and a constable at random shall be chosen to fill their spot until they are no longer under review.

(7) The accused shall have the right to be represented by legal counsel at all stages of any official proceeding.

(8) Additionally, the State Constable Review Board may be subject to audit by the Pennsylvania Attorney General’s Office, ensuring an additional layer of oversight and public accountability.

**(f) State Constabulary Commissioner.**—-

1. The office of State Constabulary Commissioner is hereby established and shall be responsible for monitoring the activities of the State Constabulary Council (SCC) and Regional Coordinators of Constabulary Operations (RCCOs) to ensure accountability and integrity.
2. The Commissioner shall also serve as the official liaison between the Constabulary and the state legislature, as well as with all other relevant agencies on behalf of the SCC.
3. The State Constabulary Commissioner shall be elected by the qualified electors of the Commonwealth. To be eligible for this office, a candidate must have a minimum of six (6) years of experience as an elected law enforcement officer within the Commonwealth, such as service as an elected State Constable or County Sheriff.

**§ 7111.  Right to elect and Term of office.**

Every qualified elector in every municipality in the Commonwealth of Pennsylvania has the indefeasible right to elect a constable for their protection and preservation of peace. This immutable office and the right of the citizens to elect those to serve it shall be inviolate and upheld without prejudice or suppression. The term of a constable in a city, borough, ward, incorporated town or township is six years.

**§ 7113.  Boroughs.**

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

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

**(C) Procedure upon election.** –-The procedure upon election shall be the same as for townships and other municipalities.

**§ 7114.  Townships and other Municipalities.**

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

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

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

(3) The plenary power to elect law enforcement officers for their municipality to protect the citizens of, their property, and their civil rights, resides solely and strictly in the qualified electors of each municipality.

**(b)  Procedure upon election; penalty.--**Every person elected to the office of constable shall notify the election bureau of the same county to accept or decline the office within fifteen days of being duly notified of the election of to accept or decline the office. A person who neglects or refuses to notify the election bureau, after having been duly notified of the election, shall forfeit to the municipality the sum of $50, and to the constable sustainability fund the sum of $50, for a total penalty of $100 to be levied by order of the court. Every elected constable shall take the oath of office given by a current acting judge within 10 days of accepting the office. Every State Constable elected or appointed, once sworn into office, shall go to or contact within the first 30 days of being sworn into office to their local State Representative’s office to have them apply for a government entity FEIN and a certificate of State Agency on their behalf to be signed by the Governor and sent to the Chief Constable validating the office as an independent state agency. The elected constable, being the chief of their agency, shall submit a written copy of their agencies polices and procedures to the RCCO or SCC to have on file. It is the responsibility and duty of the Chief Constable to create and maintain internal policies and procedures.

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

**(d) Municipality Responsibilities.—-** Municipalities shall provide limited support for elected constables and their appointed deputies serving the citizens of their municipality.

(1) Each municipality shall provide a secure room or office space, accessible only to the constables serving that municipality, for the purpose of recordkeeping and the safekeeping of sensitive data. A high-speed internet connection shall be provided to facilitate data acquisition and communication.

(2) This room or office shall remain accessible to the constable(s) at all times during their term of service. Each municipality shall publicly disclose the names and contact information of its elected or appointed constables.

(3) If a constable elects to keep their personal home address private, the municipality shall permit the use of the municipal office address for official correspondence and duties.

(4) While the constable and their office operate independently of the municipal government and are not governed by it, the municipality is required to provide the facilities and support described in this section to enable the constable(s) to fulfill their duties to the citizens who elected or appointed them.

**(e)Constables Serving**.--(1)Every constable is charged with the preservation of peace and public safety. Each constable shall be responsible for providing proof of training, qualifications, and certifications for any duties they are exercising within their scope of practice, so based on those training and certifications qualifying them to conduct such duties, activities, and services provided in their official capacity as a constable.

(2) When operating in official capacity for preplanned duties and services a constable shall wear a uniform consistent with the type of uniform that is easily recognizable as a law enforcement officers uniform. The patches on the uniform shall read Pennsylvania State Constable, be easily identified, and be reasonably uniform in appearance across the state. The articles worn may not exclusively state “police” and must clearly indicate the title of “constable”. The uniform shall include a metal badge of authority that includes the applicable title of State Constable or deputy constable and must include the commonwealth seal.

(3) When a constable or deputy constable is not on official preplanned duty/business but must act within his/her scope of practice according to his/her oath of office and charge of duty, a constable or deputy constable shall make every reasonable effort to reasonably identify themselves as a constable.

(4) A constable shall carry official photo identification and a constabulary badge of authority on their person at all reasonable times while in office, and shall remain reasonably prepared and fit for duty as required throughout their term.

(5) A constable or deputy constable may not wear clothing that clearly and conspicuously identifies the individual as a constable or deputy constable or display a constabulary badge under this section if the constable or deputy constable is performing duties or services solely as a security guard employed by a patrol agency as defined by section 2(e) of the act of August 21, 1953 (P.L.1273, No.361), known as The Private Detective Act of 1953 unless hired strictly as a constable for peacekeeping and not acting as a direct employee of the patrol agency or security company.

(6) Since constables are not given vehicles they shall be authorized to use their personal vehicles for official use regardless of the vehicle being registered the constable or deputy constable personally or voluntarily registered to the constables office.

(7) The term “Constable” for the purpose of this subsection shall include all constables including deputy constables.

**7115. Counties.**

**a.** Each county shall issue an official identification card to every elected constable within 30 days of the constable taking the oath of office. The county shall also maintain a current record of all elected constables and all appointed deputy constables sworn into office within the county. This record shall be made accessible to the general public at no cost.

**b.** Counties operating emergency dispatch or 911 call centers shall maintain an up-to-date list of constables and their contact information. This list shall be used to notify and coordinate with constables in response to breaches of the peace or other emergencies for which constables are authorized by law to act.
Each such county shall provide every constable and deputy constable with a functional two-way radio. There shall be, at a minimum:

1. One dedicated, monitored radio channel for constables to ensure operational communication and officer safety, and
2. One additional, unmonitored channel for intra-constable communication.

**c.** Each constable shall submit a notarized statement to the county specifying their qualifications and the types of duties and incidents they and their deputies are certified, authorized, and willing to respond to, and any obligatory duties. Constables shall be responsible for updating this statement as needed.

**d.** No county or court shall deny constables serving within the county the opportunity to serve warrants, provided they have made a formal request to do so. Constables residing or serving within the county shall be given priority in the assignment of warrants before such assignments are made to constables from outside the county. Warrants shall be distributed equitably among all constables in the county who have requested to serve them, without bias or discrimination, unless a constable voluntarily limits the number of warrants they are willing to accept.

**e.** All counties shall provide either an in-person training class or an instructional video for constables detailing the proper procedures for processing and serving warrants, civil papers, fee sheets, and other related documents. This instruction shall include procedures specific to that county and requirements for properly completing and executing each type of service.

**f.** No county, municipality, or representative thereof shall limit, prohibit, restrict, or otherwise interfere with a constable’s authority or duty to serve during any and all elections.

**g.** While the constable and their office operate independently of the county government and are not governed by it, the county is required to provide the resources and support described in this chapter to enable the constable(s) to fulfill their duties to the citizens who elected or appointed them.

**h.** The term “Constable” for the purpose of this subsection shall include all constables including deputy constables unless clearly implied or specified otherwise.

**7116. The commonwealth.**

**(a**) The Commonwealth of Pennsylvania shall issue a certificate of state agency to the Office of State Constable for each local constable’s office, upon proof of election and administration of the oath of office. The certificate shall be issued to the duly elected constable to formally recognize the office and confirm its authenticity.

**(b)**The commonwealth shall allow and approve the use of a government issued vehicle registration plate upon request to any constable’s office with a valid vehicle registered in the name of the constable’s agency provided that the constable is certified under this chapter.

**(c)**The Commonwealth shall provide all constables that are sworn into office with the appropriate training to qualify them for all the duties and powers vested in a constable to carry out the complete functions, powers, and duties of the elected office.

**(d**) The Commonwealth shall ensure that constables are provided with the same tools, resources, and privileges made available to other law enforcement agencies, as necessary to safely and effectively carry out all functions and duties of their office.

**(d)** The Commonwealth shall pay constables any applicable fees authorized under this chapter when no other party is designated as responsible for payment, upon submission of a properly completed fee sheet by the constable. Such payments may be disbursed from the Constable Sustainability Fund established under §7181.

**(e**) While the Office of State Constable is a separate and independent law enforcement agency within the Commonwealth, the state shall provide the resources and support set forth in this section as necessary to enable constables to effectively carry out their duties on behalf of the citizens who have elected or appointed them.

**§ 7121.  Constables.**

**(a) Vacancies.--**When a vacancy occurs in the office of constable, regardless of the reason for the vacancy, the court of common pleas of the county of the vacancy, upon petition of not less than ten qualified electors residing in the borough, city, ward or township of the vacancy, shall appoint a suitable person, who, upon being qualified as required by law, shall serve as the constable for the unexpired term of the vacancy.

**(b) Qualifications.—-**

(1.)To be qualified to accept the office of constable, an individual must be a US citizen, must obtain an act73 federal background check, and maintain a clean Pennsylvania Act33 child abuse history clearance. To take the Oath of office, the constable elect must show the judge the official election certificate from the county and a copy of both clearances. This shall also apply the same to appointed constables by petition. Any individual with a felony conviction showing on their background check or any Pa Act33 showing a record of child abuse shall be deemed not qualified to hold the Office of State Constable.

(2.) Within the first 24 months of taking office a constable shall be enrolled in or have completed the basic minimum standard of training for constables known as PA Act49 to be eligible to continue to serve and hold office. All Act49 training shall be made reasonably available to all constables at no cost and shall be paid for by the CETA fund.

**(c)Disqualifications.**-– The following shall disqualify a constable or deputy constable from running for, being appointed to, or accepting the office of state constable if he/she:

(1) was convicted of an offense graded as a felony;

(2) was convicted of an offense that requires the individual to register under 42 Pa.C.S. Ch. 97 Subch. H (relating to registration of sexual offenders) or I (relating to continued registration of sexual offenders);

(3) was convicted of an offense under 18 Pa.C.S. Ch. 39(relating to theft and related offenses), if graded as a misdemeanor of the second degree or higher; or (4) was convicted of driving under the influence of alcohol or controlled substance as provided in 75 Pa.C.S. § 3802 (relating to driving under influence of alcohol or controlled substance) on two or more occasions within a 10- year period.

(4) does not meet the requirements of the above subsection (b).

**(d) Certification.**-- The Constables' Education and Training Board may not certify a constable or deputy constable under section 7144(9) (relating to program established) who is disqualified under subsection (c). 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).

**§ 7122.  Deputy constables.**

**(a)**The sole power to appoint deputy constables in a ward, borough, city, or township is vested in the constable of the ward, borough, city, or township, via a written and signed document on file formally initiating and documenting the deputization and also sending written notice to the county clerk of courts of such appointment. No person shall be appointed as a deputy constable unless, at the time of appointment, he is a bona fide resident of the ward, borough, city, or township for which he/she is appointed, and he/she continues to be a bona fide resident for the duration of the appointment and also meets the same requirements needed for qualification to hold the office of constable without any disqualifications. Each deputy shall carry a bond the same as that required of the Constable who deputizes them. The constable may remove any deputy and relinquish the deputy’s authority revoking the deputization if he/she has just cause to do so by submitting a signed letter to the county clerk of courts with his/her decision to remove the deputy from his/her office and the reason for the removal.

**(b)** In the event of a deputy's death or inability or refusal to act, the constable may appoint another qualified deputy who shall have full authority to act. The constable shall be liable for the acts of the deputy as in other cases. The constable shall file a written copy of the deputization in the office of the clerk of courts of the county where the constable serves.

**(c)** A deputy constable is a constable that appointed by the elected constable to work under his or her authority, thus for the purpose of this chapter and unless specified otherwise the term constable shall generally mean and apply to all constables including elected constables and deputy constables.

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

**(d.)** **Emergency Deputies –** A constable may appoint deputies during any emergency, disaster, riot, incident of looting, or other exigent circumstances, including but not limited to emergencies declared by the Commonwealth, a county, or a local municipality, for the purpose of preserving the peace and maintaining law and order and in the interest of public safety. The constable shall also have posse comitatus. A constable shall not be required to obtain prior approval to appoint temporary deputies under this subsection. Temporary deputies appointed pursuant to this subsection shall not be subject to the qualifications required of elected or regularly appointed deputies. The emergency deputization will end immediately after the disaster, emergency, or other qualifying situation has ended and the chief constable finds that the deputies are no longer needed. A notice of such deputization and expiration of such shall be documented appropriately and posted in public for viewing.

**§7123. State Constabulary Commissioner.**

1. The sole power to elect a qualified person to serve as the state constabulary commissioner is fully vested in and resides with the qualified electors of the Commonwealth of Pennsylvania.
2. No person shall serve in this position unless first having a minimum of six years of experience as an elected law enforcement officer such as an elected state constable or elected sheriff within the commonwealth.
3. If a vacancy occurs for any reason, the SCC shall vote among themselves for one SCC representative to fill the vacancy until the next election can be held to elect a new commissioner.

**§ 7132.  Other police positions, employment and conflicts.**

**(a) Constables also employed as municipal or private police officers not to accept other fees in addition to salary.--**Except for public rewards and legal mileage allowed to a constable for traveling expenses, it is unlawful for a constable who is also employed as a police officer outside of the constabulary to charge or accept a fee or other compensation, other than his/her salary as a employed police officer, for services rendered or performed pertaining to his/her office or duties as an employed police officer or constable.

**(b)Bail bond enforcement agent.** General rule.—

(1) Unless separately licensed within this Commonwealth as a bail bond enforcement agent and except as provided in subsection (3), a constable or deputy constable may not recapture suspects who are released on bail.

(2) If separately licensed within this Commonwealth as a bail bond enforcement agent, a constable or deputy constable recapturing suspects released on bail shall comply with all statutes and regulations governing bail bond enforcement agents. (3) Exception.--Regardless of licensure as a bail bond enforcement agent, a constable or deputy constable may execute a warrant of arrest issued for an individual released on bail.

**(C) Professional bondsman.**-- A constable or deputy constable may not engage in or continue to engage in business as a professional bondsman.

**(D) Debt collection.**—

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

(2) Collector-repossessor.-- (a) Unless regularly employed by an installment seller or sales finance company, a constable or deputy constable may not collect a payment on an installment sale contract or repossess a motor vehicle that is the subject of an installment sale contract. (b) When collecting a payment or repossessing a motor vehicle as regularly employed individuals, constables and deputy constables may not hold themselves out to be constables and deputy constables.

(3) **Other Provisions.**-- A constable or deputy constable who is authorized as a regularly employed individual to collect a payment or repossess a motor vehicle may not independently contract to perform the same or similar services as a constable or deputy constable.

(4) **Other Incompatible Employment.** –- (a) A railroad or street railway police officer appointed under 22 Pa.C.S. § 3301 (relating to appointment).

(b) A private detective as defined by section 2(c) of The Private Detective Act of 1953.

(c) A person currently employed as a State(trooper)Police Officer.

(5) **Nepotism.**-- (a) Magisterial district judge.--A magisterial district judge may not request services from and may not assign work to a constable or deputy constable who is a family member or household member of the magisterial district judge or of a staff member of the magisterial district judge. (b) Constable or deputy 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 a family member or household member of the magisterial district judge or of a staff member of the magisterial district judge.

(6) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise: "Claim." As defined in 18 Pa.C.S. § 7311(h) (relating to unlawful collection agency practices). "Collection agency." As defined in 18 Pa.C.S. § 7311(h). "Creditor." As defined in 18 Pa.C.S. § 7311(h). "Installment sale contract." As defined in 12 Pa.C.S. § 6202 (relating to definitions). "Installment seller." As defined in 12 Pa.C.S. § 6202. "Motor vehicle." As defined in 12 Pa.C.S. § 6202. "Sales finance company." As defined in 12 Pa.C.S. § 6202. "Family member or household member." A spouse, parent, sibling, aunt, uncle, niece, nephew, cousin, grandparent, grandchild or member of the same household.

**§ 7133. Other Private Employment.**

1. An elected constable who takes any mandated training or continuing education for their elected position who is also employed privately shall not be disciplined by any employer for attending such trainings and shall have their job and position preserved and protected when taking time off work to attend any mandatory training in relation to their elected position.
2. Any constable responding to an emergency call or incident related to a breach of peace or to protect public safety shall not be hindered from doing so by any employer for their service to the community and state and shall not be disciplined or reprimanded in any way for doing so.
3. No constable shall be hindered or prohibited from attending court hearings related to their position of constable and shall not be disciplined or reprimanded in any way from an employer for attending such court hearings.
4. Any employer violating this section shall be fined up to $10,000 for any discrimination, harassment, or disciplinary action taken against a constable as a direct result of a constable attending mandated training, relevant court hearings, or officially responding to any verifiable incident permitted by this section.

**§ 7142.  Conduct and insurance.**

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

**(b)  Liability insurance.--**Every constable and deputy constable must file with the clerk of courts proof that they have, currently in force, a policy of professional liability insurance covering each individual in the performance of their judicial duties with a minimum coverage of $250,000 per incident and a minimum aggregate of $500,000 per year. The Constables' Education and Training Board shall immediately investigate and implement the most cost-effective method of achieving liability insurance for constables and deputy constables under this subsection.

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

**(d)  Recertification.--**Any constable or deputy constable who ceases to be certified to perform judicial duties as a result of the operation of subsection (c) may later be recertified immediately by filing with the clerk of courts proof that such insurance has been in force continuously since the officer was last certified to perform judicial duties. In the case of a violation of subsection (c), the individual may be recertified by complying with subsection (b). Any fee earned prior to the loss of certification remains payable to the constable or deputy constable.

**(e)  Limitations on liability.--**The provisions of this subchapter shall not be deemed to impose respondent superior liability on any county.

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

**(g) Cost.** --All Act49 training and any mandated training shall be made available to all constables at no cost paid for by the CETA fund. If the current fund is unable to meet the cost, the state shall loan the fund the amount to cover the training program until such fees can be raised to cover those costs.

**Cross References.**  Section 7142 is referred to in section 7144 of this title.

**§ 7143.  Board established.**

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

**(b)  Composition.--**The board shall be composed of the Pennsylvania State Constabulary Commissioner and nine members elected by a majority vote among the current certified constables of the commonwealth with the consent of a majority of the members of the Senate:

(1)  Four persons who shall be constables.

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

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

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

(5) One Person who shall be a county sheriff.

(6) One person who shall be a local chief of police.

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

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

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

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

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

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

**Cross References.**  Section 7143 is referred to in section 7141 of this title.

**§ 7144.  Program established.**

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

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

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

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

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

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

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

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

(8)  Promote the most efficient and economical program for constable and deputy constable training by utilizing existing facilities, in person programs, remote or hybrid programs, and qualified State and local personnel.

(9)  Certify constables and deputy constables who have satisfactorily completed the basic and continuing education and training requirements of this subchapter and issue appropriate certificates and a photo identification card to them. The ID shall include a distinguishing number assigned by the Pennsylvania Commission on Crime and Delinquency to certified constables or deputy constables, the name of the constable or deputy constable, a color photograph or photographic facsimile of the constable or deputy constable, and any other information as may be required by the Pennsylvania Commission on Crime and Delinquency.

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

(11)  In consultation with the Insurance Commissioner, monitor the price and availability of the liability insurance required by section 7142(b) (relating to conduct and insurance) as well as vehicle insurance covering constable’s and deputy constable’s duty vehicle(s) and, if deemed necessary by the board, provide information and coordination to assure the availability and competitive pricing of such insurance.

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

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

(ii)  The activities of the board.

(iii)  The costs of the program.

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

 (13) Ensure that all the training is made available in each area of the state with enough availability to handle the demand for the number of participants registering for training, and to accommodate all of those needing it in a timely manner to meet the requirements of this chapter.

**Cross References.**  Section 7144 is referred to in section 7142 of this title.

**§ 7145.  Program contents.**

1. The Constables' Education and Training Program shall include training for a total minimum of 80 hours to a maximum of 120 hours for newly elected or appointed constables and deputy constables. Except as provided in subsection (c), the training content shall be determined by regulation and shall include all aspects of the constable law and authority and how to execute all duties and powers vested in them appropriately according to state law. The program shall adhere to laws and facts and not bias, opinion, prejudice, or personal interpretation of the laws.
2. Reduction of hours.--The Constables' Education and Training Program may reduce the hours of education and training required in this section if the constable or deputy constable, because of prior education, training or experience, has acquired knowledge or skill equivalent to that provided by the program.
3. Subjects.-- The training under this section shall include instruction in the following subjects: (1) The interpretation and application of the fees provided for in section 7161 (relating to fees). (2) The United States Constitution and Pennsylvania Constitution. (3) The rules and regulations governing the proper use of an emergency vehicle, as that term is defined in 75 Pa.C.S. § 102 (relating to definitions). (4) Constable arrest powers. (5) The use of force in law enforcement. (6) Civil and criminal law. (7)First aid training, including cardiopulmonary resuscitation education and use of an AED. (8) Control tactics, including: (i) The mechanics of arrest, restraint and control. (ii) Less lethal weapon familiarization. (iii) The transport of detainees. (iv) In-custody risks. (9) Defensive Tactics. (10) Management of aggressive behavior and crisis prevention and intervention. (11) Mandated reporting via ChildLine. (12) Firearms training relevant to law enforcement qualifications.
4. Prior to attending initial certification training, a constable must obtain a basic physical and have a competed physical form to send to CCET program administrators to show they are physically fit for duty and can execute the physical tasks that may be required of a constable in the field.

**§ 7148.  Use of firearms.**

The Constables' Education and Training Board, with the review and approval of the Pennsylvania Commission on Crime and Delinquency, shall establish standards for the certification or qualification of constables and deputy constables to carry or use firearms in the performance of any court issued duties. A reduction in hours and cost for equivalent reciprocation shall be allowed if prior recent training meets the same qualification standards as the program established for act49 and was documented by an approved instructor for PCCD, or MPOT, or by other state certified instructors.

**§ 7149.  Restricted account.**

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

**(b)  Surcharge.--**There is assessed as a cost in each case before a magisterial district judge a surcharge of $15 per docket number in each criminal case and $15 per named defendant in each civil case in which a constable or deputy constable performs a service provided in Subchapter G (relating to compensation), except that no county shall be required to pay this surcharge on behalf of any indigent or other defendant in a criminal case.

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

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

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

**(f)  Fund surplus.--**If account balance and budget are sufficient to meet the expenses and costs under subsection (a), the commission may allocate any surplus funds in the account to assist constables and deputy constables with costs associated with attendance at continuing education programs under section 7146 (relating to continuing education)or PA Act120 training and certification.

**(G)Magisterial Duties. –-**Magistrates are by law required to collect these fees on all applicable civil and criminal cases and distribute them to PCCD within 60 days of collecting them. Magistrates who fail to comply with this section shall be liable for the fees and subject to fines of $25 per incident.

**(H)AOPC Duties.** -–AOPC shall require the CETA fees to be automatically written on the printed citations and on any online payment system to ensure that all fees are collected justly and shall be subject to audit of such.) AOPC shall provide standardized fee sheets to be used in every county and every court. AOPC shall monitor and audit the Magisterial courts and counties for compliance of all applicable laws related to the constables providing services to the court and county including the collection of related fees by law and timely payment of all constable related fees and payments.

**Cross References.**  Section 7149 is referred to in section 7141 of this title.

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

Constables shall perform all duties authorized or imposed on them by common law and by statute and they shall be inviolate. A constable is entrusted with the authority to uphold the law, except where a law is deemed unconstitutional, and shall execute the duties of the office with fidelity.

**B.** **Preservation.** All powers, duties, and authority vested to constables shall be indefeasible and the office upheld indefinitely to provide for peacekeeping, and to protect every citizen of the commonwealth and their civil liberties. No statutory law shall supersede or conflict with established common law pertaining to the constabulary.

**C.** **Recognition of office.**

All individuals, agencies, officials, governments, and courts shall recognize the Office of State Constable as a law enforcement and criminal justice agency within the commonwealth. Constables shall not in any way be hindered, obstructed, or otherwise infringed upon in the lawful execution of their duties or denied access to the tools, resources, or privileges afforded to any other law enforcement agencies or elected officials as necessary to execute effectively the duties and powers conferred upon the constable.

**D.** **Ex-officio Constables.**

Any persons, entities, or agencies granted the powers of a constable in an ex officio capacity shall operate in coordination with state constables to support, but not replace, the authority and function of the elected office.

**§ 7152.  Elections.**

**(a)**The constable of a borough, township, city, or ward, or his deputy, shall do all of the following:

(1)  Shall be present at the polling place or places in each election district of the borough, township, or ward during each election, from the opening of the polls through the counting of votes. The constable shall serve for the purpose of preserving the peace, protecting the integrity of the voting process, preventing voter intimidation, and ensuring that every qualified elector is afforded their constitutional right to vote.

(2)  A constable and/or his deputy shall serve at all elections.

**(b)** A constable may appoint special deputies for Election Day if multiple precincts within their jurisdiction are conducting elections and the constable deems it necessary to ensure coverage at each polling location. These special deputies shall have limited authority and shall serve only in the absence of the constable or a regular appointed deputy. In the event of any incident or concern, the special deputy shall immediately contact the elected constable or an appointed deputy, who shall respond and act under full authority.

**(c)** In the event that a constable or deputy constable encounters an incident during an election and determines that assistance is necessary, they may request support from another constable, including one from outside their municipality, if deemed prudent. A constable may render assistance to another constable in a different municipality when such assistance is requested for the purposes of safety or maintaining election integrity, without incurring any penalty. In non-emergency situations, assistance shall first be requested from another constable or deputy constable, second from the Sheriff or a deputy sheriff, and third from the police serving the jurisdiction. However, in the event of an immediate emergency where public safety is at risk, aid may be requested from any available law enforcement agency as necessary.

**§ 7158. Powers, Arrest & Enforcement.—**

**(a)**In addition to any other powers granted under law, a constable shall, without warrant and upon view, or may if probable cause exists, arrest and commit for hearing any person who:

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

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

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

(4) Knowingly obstructs justice, engages in official oppression, commits fraud, or obstructs or attempts to obstruct governmental operations.

(5) Knowingly, intentionally, or recklessly attempts to cause or causes bodily injury to another individual.

(6) Communicates directly or indirectly a threat to commit crime of violence with intent to terrorize.

(7)Recklessly engages in conduct that places or may place another individual in danger of death or serious bodily injury.

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

"Bodily injury." As defined in 18 Pa.C.S. § 2301 (relating to definitions). "Crime of violence." As defined in 42 Pa.C.S. § 9714(g) (relating to sentences for second and subsequent offenses). "Serious bodily injury." As defined in 18 Pa.C.S. § 2301.

**§7158.1 Child Welfare.**

A report of child abuse or child endangerment shall require a constable to be present with any children and youth worker or similar agent during their investigation. If, during the course of such involvement, a constable observes facts giving rise to a reasonable belief that a child is in immediate danger, the constable shall take appropriate action as permitted by law including taking protective measures within their lawful authority and scope of practice. If no immediate threat is present, the investigation shall proceed in accordance with established child protective services protocols, and the constable's role shall be limited to providing security of peacekeeping and documenting their observations for official recordkeeping. In the event that a child welfare worker is unwilling, unavailable, or otherwise unable to respond, a constable shall respond to document the incident and take necessary steps to ensure the child's safety. A constable shall be present during these types of investigations. Throughout all proceedings, the constable shall act to protect the rights and safety of the child, the family, and any responding officials, and shall ensure that all actions taken are in accordance with constitutional, statutory, and regulatory requirements.

**§7158.2 Animals and Dog Law.**

A constable may enforce animal and dog laws pursuant to Pa Act47 and in the best interest of animal welfare and public safety.

**§7158.3 Prisoner and Mental Health Transports.**

A constable transporting a prisoner or individual with known mental health issues shall do and have the following:

1. A secured partition in the vehicle to securely isolate the prisoner from the front seating area of the vehicle and the passenger area used for transport to provide for safety.
2. An audio/video recorder in proper working condition with a constant view of the passenger area recording for the entire duration of any transport.
3. A working body camera in use during the entire transport.
4. Emergency lights and audible siren to provide for officer(s), transportee, and public safety in the event of an emergency or other incident that may arise.
5. Been trained in first aid and hold a current CPR certification.
6. Have an emergency first aid kit in the vehicle.
7. A device providing for two way emergency communications and reliable contact.
8. Valid appropriate vehicle insurance for the type of transport he/she is conducting as a constable.
9. Working door & window safety locks in use during transport to prevent escape from the passenger area containing the individual being transported.
10. Shall immediately contact 911 of any escape or any medical emergency as soon as safe to do so.

**§ 7159.  Trespassing livestock.**

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

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

(2)  All reasonable costs of transporting and keeping the livestock shall be part of the costs of care.

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

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

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

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

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

**Cross References.**  Section 7159 is referred to in section 7159.1 of this title.

**§ 7159.1.  Sale of trespassing livestock.**

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

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

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

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

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

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

(i)  The magisterial district judge shall pay the costs and damages to the landowner.

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

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

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

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

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

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

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

(1)  The action for replevin must be on the condition that the owner of the livestock pays all damages and fees, including:

(i)  Amount of damages sustained by the landowner.

(ii)  Costs of transportation and care.

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

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

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

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

**§ 7161.  Fees.**

**(a)  Travel or mileage**.**—**(1)Actual mileage for travel by motor vehicle shall be reimbursed at a rate equal to the highest rate allowed by the Internal Revenue Service.

(2) Actual mileage for travel by motor vehicle is reimbursable for distances equaling or exceeding one mile.

(3)If travel occurs by a mode other than motor vehicle, reimbursement shall be for the vouchered travel expenses.

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

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

**(d)  Civil and landlord-tenant cases.--**In civil and landlord-tenant cases, constable fees must be paid in advance to the court for services desired to be performed. These fees shall not be refundable to the plaintiff if a case is settled, or a debt is satisfied less than 48 hours prior to a scheduled sale or ejectment. In the latter case, the constable or deputy cons2table shall be paid for holding the sale or carrying out an ejectment, respectively.

**(e)  Payment.--**All civil, landlord-tenant and criminal fees shall be paid by the court to the constable as soon as possible and in no case not more than 15 days in civil and landlord-tenant cases and 30 days in criminal cases after the service is performed and a proper request for payment is submitted, provided that, in criminal cases where the books and accounts of the relevant county offices are payable on a monthly basis, payment shall be made not more than 15 days after the close of the month. Failure of the court to pay the constable(s) within this time frame shall constitute a fine issued to the court in the sum of $25 per incident weekly until payment is completed.

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

(1)  For serving complaint, summons or notice on suitor or tenant, either personally or by leaving a copy, $25, plus $10 for each additional defendant at the same address, $5 for each return of service, plus mileage.

(2)  For levying goods, including schedule of property levied upon and set aside, notice of levy and return of service, $125, plus mileage.

(3)  For advertising personal property for public sale, $15 per posting, with a maximum $45 fee, plus mileage, plus the cost of advertising.

(4)  For selling goods levied, receipts and returns to court, $125, plus mileage.

(5)  For making return of not found, $20, plus mileage. Payment shall be limited to three returns of not found.

(6)  For executing order of possession, $20, plus $10 for each additional defendant at the same address, $5 for each return of service, plus mileage.

(7)  For ejectment, $150, $5 for each return of service, plus mileage. Two constables are recommended for ejectments, and each shall be paid separately with each officer receiving the same fee if the constable executing service chooses to have a second constable present during an ejection for reasons of safety.

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

(9)  For providing courtroom security as ordered, $25 per hour, assessed against one or more parties as determined by the court.

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

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

(1)  For executing each warrant of arrest not already executed by a law enforcement agency or for effectuating the payment of fines and costs by attempting to execute each warrant of arrest, $50 for each docket number and $5 for each return of service, plus mileage.

(2)  For physically taking custody of a defendant, $25 per defendant starting when released by a law enforcement agency or jailor to the constable or deputy constable or after the execution of a warrant of arrest and ending with discharge or commitment with the starting and ending times documented.

(3)  For physically taking a defendant to or from court, $25 per defendant, but payable for physically taking a defendant from court when directed to do so and documented by a magisterial district judge. This fee is not payable in addition to the fees for transporting defendants by motor vehicle under paragraphs(9) and (10) during the same trip.

(4)  For physical attendance at arraignment or hearing, $25 as a flat fee, but beginning and ending times must be documented.

(5)  For executing discharge, in lieu of arresting a defendant on a warrant when the money was collected to clear the warrant, $25 per defendant.

(6)  For executing judicial order of commitment , $25 per defendant.

(7)  For executing release of custody from the police, a sheriff or a correctional facility to a constable or deputy constable, $25 per defendant.

(8)  For making timely returns of completed paperwork to the court or issuing authority, $5. For nonservice of a criminal or bench warrant, the court may require the constable or deputy constable to execute an affidavit of due diligence documenting the search efforts.

(9)  Transporting by motor vehicle each nonincarcerated defendant to jail, $25, plus mileage; transporting by motor vehicle an incarcerated prisoner, $50 per prisoner, plus an hourly rate of $25 per hour, plus mileage. Computation of hourly rate will apply after the expiration of the first hour per prisoner per hour, not to exceed $50 per hour per constable.

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

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

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

(13)  For physically taking defendants for fingerprinting, $25 per defendant, plus $25 per hour beyond the first hour while present per defendant per hour, not to exceed $50 per hour per constable, plus mileage. Unless the fingerprinting is done at a location other than the jail, this fee is not payable in addition to the fees for transporting defendants by motor vehicle under paragraphs (9) and (10) during the same trip.

(14)  For holding one or more defendants at the office of a magisterial district judge, for the time that the constable or deputy constable remains prior to the start of the hearing and the time after the conclusion of the hearing, but prior to release or transport, $25 per hour per defendant beyond the first half hour.

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

(16)  In all criminal cases wherein the defendant is discharged or indigent or the case is otherwise dismissed, the court shall assess to the county the fee provided in this section, except that, in cases of private criminal complaints where the defendant is discharged prior to the indictment or the filing of any information or the case is otherwise dismissed at the summary offense hearing, the court may assess the fee to the affiant, except in cases of domestic violence wherein the fee shall be assessed to the county. The fees for physically taking a defendant under paragraphs (3) and (13) are payable whether the defendant is taken by motor vehicle or otherwise, but the fees for transporting a defendant by motor under paragraphs (9), (10) and (11) are not payable if the defendant is not transported accordingly.

**(h)  Subpoenas.--**For serving district court-issued subpoenas for civil, landlord-tenant or criminal matters, $25 for first witness, plus $5 for each additional witness at the same address, $20 shall be payable for attempting to serve a subpoena at a wrong address supplied by the party requesting the service. The fees for witnesses and return of service under this subsection accrue per docket number.

**(i)Investigations.—-**When summoned by the court for investigations as provided under § 7157 (b), the court shall pay the constable $25 per hour plus mileage.

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

**(k) Locate Fees.--**For any constable who attempts to locate a person to serve and execute a warrant, is ordered by the court to serve process, or ordered to conduct investigations and the person is not able to be found at the address on file with the magistrate or no current address is provided to the constable, the constable shall receive compensation equal to the exact and reasonable expenses used in the attempt to locate the person. This shall include software or subscription fees up to a maximum of $50 billed to the defendant by the court and paid by the court to the constable provided that proof of cost is provided with the fee bill.

**(l) Assisting children and youth protective services.**—For assisting staff for any county children and youth protective services with peacekeeping when requested by the agency staff, or responding to any reports as mandated, each county shall pay the constable (or constables if more than one is prudent for safety) a minimum of $20 per hour plus mileage to each constable when proof of service is submitted.

**§ 7161.1. Specific fees.**

**(a) Court appearances and returns.**--For attendance on court and making returns, the fees to be received by constables shall be $3.00 per day plus applicable mileage.

**(b) Notices of election.**--For serving notices of their election upon township or borough officers, the fees to be received by constables or deputy constables shall be $0.50 for each service. **(c) Juvenile matters.--**Constables shall receive the same fees for serving writs in juvenile cases as they receive for similar services in criminal cases.

**§ 7163.  Election services.**

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

**§ 7164.  Impounding, selling and viewing fees.**

**(a)  Impounding and selling.--**The fees collected by the constable for impounding an animal shall be $20 and $25 for each animal sold, provided that the fees of the constable for impounding and selling amount to not more than $55. The fees of the magisterial district judge shall be $1 for each case, without regard to the number of animals impounded, for all cases where no sale is made and $3 for all cases where a sale is made.

**(b)  Viewing.--**The fees for each viewer appointed to assess the damages shall be $15 for the first hour and $5 per hour for each hour necessarily engaged after the first hour.

**§ 7165.  Seizure fees.**

1. **Registration plates and cards.--**If constables and deputy constables are delegated authority to seize registration plates and registration cards under 75 Pa.C.S. § 1376(b)(5) (relating to surrender of registration plates and cards upon suspension or revocation), they shall be compensated by the department at the rate of $15 for each registration plate and $5 for card seized, plus mileage. If a constable or deputy constable finds an out-of-date registration plate on an abandoned or junk vehicle, they shall be compensated by the department at a rate of $10 per plate and $5 per card seized. The department shall pay a constable or deputy constable within 30 days after a documented request for payment is received.

**(b)  Drivers' licenses.--**If constables and deputy constables are delegated authority to seize drivers' licenses under 75 Pa.C.S. § 1540(c)(1)(v) (relating to surrender of license), they shall be compensated by the department at the rate of $20 for each driver's license seized, plus mileage. The department shall pay a constable or deputy constable within 30 days after a documented request is submitted to it.

**(c) Failure to pay.**-- Failure of the department to pay within 30 days of documented request for payment shall constitute a fine of not more than $25 per week until payment is complete.

**§7167. Other Payments & Compensation.**

1. **SCC & Constable Review Boad fees.—** Members of the State Constable Commission (SCC) or Constable Review Board shall be entitled to receive $15 per in-person meeting attended for official duties related to their position, plus reimbursement for actual mileage traveled by motor vehicle. These payments shall be made by the Commonwealth of Pennsylvania and disbursed from the Constable Sustainability Fund. All meetings shall be held virtually at no cost when feasible unless justified to be held in-person.
2. **Response to Breaches of the Peace.—**Anytime a constable or deputy constable responds to a verifiable breach of the peace complaint or situation, the constable or deputy constable shall receive $10 plus actual mileage traveled by motor vehicle for their response in addition to any other legally entitled compensation that may evolve from the incident upon submission of a proper feet sheet.
3. **Other not Specified.**—for any services to the community that a constable responds to officially by activation of a 911 communications center or by request of another agency with verification of said request, and in which no other fee applies, the constable shall be compensated in the amount of $10 per each verified response upon submission of a proper fee sheet.

**§7168. Payment to constables required.**

1. AOPC shall monitor and audit the Magisterial courts and counties for compliance of all laws related to the constable including the collection of fees by law and timely payment of all constable related fees and payments. Constables shall be paid within 30 days of submitting a proper fee sheet requesting compensation. Any court that fails to comply within that time period shall be fined $25 per incident weekly until such payment has been completed.
2. Each county shall pay constables any fees legally earned within 30 days of receiving submission of proper fee sheet. A receipt for the submission of the fee sheet shall be provided to the constable by the county verifying the date the fee sheet was received. Any county that fails to comply within that time period shall be fined $25 per incident weekly until such payment has been completed.
3. The Commonwealth shall pay constables any applicable compensation as set forth in this chapter within 30 days of receiving submission of a proper fee sheet requesting compensation.

**§ 7171.  Election notice in certain areas.**

**(a)  Scope of section.--**This section applies to wards, townships and districts.

**(b)  Acting constables.--**The acting constable shall, within fifteen days after the election for a constable, give notice in writing to the elected individual of election to the office. An acting constable who violates this subsection shall pay a civil penalty of $20 to the Commonwealth constable sustainability fund.

**(c)  Elected constables.--**An individual elected and notified under subsection (b) shall submit in writing a decision to accept or decline the office to the county department of elections within 15 days from receiving notice of being elected. A constable-elect who violates this subsection shall pay a civil penalty of $20 to the Commonwealth constable sustainability fund.

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

**§ 7172.  Incompetence.**

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

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

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

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

(1)  The court may:

(i)  require additional and reasonable security from the constable; or

(ii) make a request to the constable review board to remove the constable from office via the appropriate procedure set forth by law for removal of elected officials and civil officers.

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

**(c)Deputy Constable.**-– The constable may remove their deputy with or without court or legislative approval at their discretion.

**§ 7176. Compensation Violation**

1. A constable who violates the act of July 14, 1897 (P.L.206, No.209), entitled "An act to regulate the remuneration of policemen and constables employed as policemen throughout the Commonwealth of Pennsylvania, and prohibiting them from charging or accepting any fee or other compensation, in addition to their salary, except as public rewards and mileage for traveling expenses," commits a misdemeanor of the third degree and shall, upon conviction, be sentenced to pay a fine of $1,000 or to imprisonment for not more than 30 days, or both.
2. A constable who fails to perform a service or duty for which they claim compensation for, or for claiming a return of service without attempting the service shall upon proof be guilty of a fraudulent claim of service and pay a fine of not less than $500 nor more than $1000 and face a hearing with the constable review board to determine any further action up to and including possible recommended removal from office. A court may require retribution in the amount of the fraudulent payment(s) received by the constable or deputy constable in addition to the fine imposed.

**§ 7178.  Failure to serve in a municipality**

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

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

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

(3)  The individual fails to:

(i)  serve; or

(ii)  appoint a deputy to serve.

**(b)  Fine.--**Except as set forth in subsection (c), an individual under subsection (a) shall be fined $350, $300 of which and shall be deposited in the constable sustainability fund and $50 to be sent to the municipality for appropriate use.

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

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

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

**§7179. Fines and Penalties Collected.--**All fines and penalties collected relating to violations of the constable laws in this chapter shall be collected and placed in the constable sustainability fund established in §7181.

Subchapter I

**Sustainability**

**§7181. Sustainability Fund Established.**--To sustain the office of constable ensuring certain fees and other expenses related to constables are able to be met, a dedicated fund shall be kept and funded through a $2 fee placed on each fine/citation issued in the commonwealth whether it be for traffic, non-traffic, or criminal in nature paid by the defendant to be utilized for funding of state constable related expenses. This shall not replace but shall be in addition to the CETA fee/fund. Any applications for criminal record expungement or ARD shall also include a $2 fee to be collected and placed in this account. Any fines for violations collected relating to constables in this chapter shall be paid, collected, and placed in this dedicated fund. This shall be known as the constable sustainability fund. The fund may not be used for any other purpose other than the intended purpose stated herein.

This act shall take effect immediately upon passing.