

A. General Notes

1. A Constable is an elected officer of a municipality whose duties are similar to those of the sheriff, though his powers are less and his jurisdiction smaller.

There are two types of Constables:

- a. Constable to preserve peace (mostly at the election polls). (13 Pa C S A § 14)**
- b. Constable performing judicial duties to serve writs, warrants, bail pieces, capias, etc. (13 Pa C S A § 14, 42 § 2942, et seq.)**

2. In most counties in Pennsylvania, the Bond and Oath of a Constable are filed in the office of the Clerk of Courts. In some counties that filing does not occur until the Bond has been presented to, and approved by the Court, and the Oath has been administered by the Clerk of Courts.

3. Constable Service Surcharge (Act 1992-102 (Act 44-1999))

- a. This Act increases the various fees that Constables may charge for services rendered, and imposes a surcharge of \$5.00 on each case.**
- b. A Constable may submit a bill to the county for payment, and a copy of which should be submitted to the Clerk of Courts so that the costs of service may be added to the defendant's court costs, and a \$5.00 surcharge added for each case in which a Constable's service was involved.**

B. Procedures (Constable)

1. Filing procedures for appointment of Constable due to a vacancy in the office

- a. A petition for appointment of Constable is presented to the Court of Common Pleas.**
- b. The President Judge will sign a final order appointing or denying the petition. The orders will indicate a Bond to be filed if the petition is approved.**

2. Bond of the Constable (13 Pa C S A § 9)

- a. Upon payment of the appropriate fee, the Clerk of Courts shall accept a performance Bond in the amount of \$3,000.00**

3. Constable performing judicial duties has the added requirement of filing proof of liability insurance in the amounts of \$250,000.00 - \$500,000.00 each year with the Clerk of Courts

[42 Pa C S A § 2942 (b)]

- a. The county Clerk of Courts are the legal repositories for insurance information and the Clerk of Courts will forward the insurance to the PCCD. It is the Constable/Deputy Constable's responsibility to keep the Clerk of Courts updated on their insurance coverage.**
- b. The Clerk of Courts should distribute a list of those Constables and Deputy Constables who are certified to perform judicial duties to the Court Administrator, Magisterial District Judges, Commissioners, and Chief Clerk.**

4. Oath

- a. Before assuming duties, the petitioner must take an Oath of Office.**
- b. The Oath shall be filed in the office of the Clerk of Courts. (13 Pa C S A § 5)**
- c. The Clerk of Courts are the legal repositories for insurance information (both new and updated certificates of their professional liability insurance). All insurance information should be maintained with the Constable/Deputy Constable file, according to local practice.**

The Pennsylvania Commission on Crime & Delinquency (PCCD) requires the Clerk of Courts to furnish to them, updated information on Constable/Deputy Constable liability insurance requirements. This information should be completed, copies and mailed to the PCCD at PO Box 167 Harrisburg PA 17108-1167 or faxed to (717)783-7140.

C. Procedures (Deputy Constable)

1. Filing procedures for appointment of Deputy Constable (13 Pa C S A § § 21,22, & 42)

- a. A petition for appointment of Deputy Constable must be initiated by the Constable requesting the Deputy.**
- b. A Constable who appoints a Deputy Constable with the approval of the court, has the power to revoke the appointment by filing the revocation in writing, and filing with the Clerk of Courts.**
- 1. Clerk may charge applicable filing fee.**
- c. The petition to appoint a Deputy Constable is processed in the same manner as a petition to appoint a Constable.**
- d. A Bond may be posted by the Deputy Constable but is not required by statute.**
- e. Deputy Constable performing judicial duties has the added requirement of filing proof of liability insurance in the amounts of \$250,000.00 - \$500,000.00 each year with the Clerk of Courts [42 Pa C S A § 2942 (b)]**
- f. The Clerk of Courts are the legal repositories for insurance information (both new and updated certificate of their professional liability insurance) All insurance information should be maintained with the Constable/Deputy Constable file, according to local practice.**

D. Procedures (Election Day Constable)

1. Appointment of Deputy Constable for Election Day Only

- a. Constables are bound to attend elections to preserve order at the polls if the Constable cannot attend, a duly appointed Deputy Constable may assume the duties of the constable on Election Day (25 Pa C S A § 3047)**
- b. A Constable may appoint a Deputy to serve on Election Day only with the approval of the Court.**

2. Filing Procedure

- a. The Constable completes a request for appointment of Deputy Constable and presents it to the Court.**
- b. The President Judge grants or denies the request.**
- c. The Order is filed in the Clerk of Courts office.**
- d. No bond is posted.**

For the most up to date information on constables/deputy constables and certifications please visit the PCCD (Pennsylvania Commission on Crime & Delinquency) website.

<http://www.pccd.state.pa.us/pccd/site/default.asp>

