

PETER J. ZUG, MEMBER

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House of Representatives
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

MEMORANDUM


COMMITTEES

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TRANSPORTATION ADVISORY
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December 20, 2000

TO: All Members of the House of Representatives

FROM: Representative Peter J. Zug 

SUBJECT: Co-sponsorship of Legislation on HB 465

In the near future, I will introduce legislation to repeal an antiquated law relating to the removal of constables and replace those laws with clear guidelines to deal with constables who commit certain acts. This legislation comes at the request of one of the Lebanon County judges and is supported by the Pennsylvania District Attorneys Association.

The existing law relating to the removal of constables was enacted in 1841 and does not specifically delineate what types of conduct would cause a constable to be removed from office. Rather, the law provides for "misfeasance" and "malfeasance" and leaves the type of conduct, which qualifies for the courts to determine. Also, this old law makes references to the "court of quarter sessions" and "sureties of constables." Neither of these terms have any real meaning under our modern court systems and constable qualifications.

My legislation amends Title 42 (Judiciary and Judicial Procedure) of the Consolidated statutes by adding a section, which specifically provides for the removal of constables from office. This new section provides five specific instances in which a constable can be removed; allows the county district attorney to investigate an allegation of wrongdoing based on either a complaint by a citizen or on his/her own initiative; allows the district attorney to petition the court for removal of the constable; provides that the court shall remove a constable based on a finding of substantial evidence to support the allegations of impropriety; and allows the court to appoint a qualified person to replace the constable for the constable's un-expired term of office. Simply, this new section is a comprehensive update of an antiquated and ineffective law.

(over)



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According to the Lebanon County District Attorney, there are far too many examples of inappropriate behavior by constables, which go without sanction. Complaints like false swearing, brandishing a fire arm, engaging in high-speed chases, improper vehicle stops and searches, collusion with parties to a civil action, and defendant "shake-downs" are among the dozens of complaints filed annually against constables. My legislation will shed "new light" on the constable removal process and hopefully remove the relatively few members of the constabulary that tarnish the office's image and give constables an undeserved reputation.

If you should like to become a cosponsor of this legislation, please contact my office at 7-2686 or via GroupWise at FERNST. Thank you.

2 May 2000

PETER J. ZUG
MEMBER, 102ND DISTRICT
HOUSE OF REPRESENTATIVES
COMMONWEALTH OF PENNSYLVANIA

Brad,

I thought you might

be interested to know HB 465 was
reported out of Judiciary Committee today.
Pete

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FOR IMMEDIATE RELEASE

June 5, 2000

Zug Judiciary Bill Passes House

Measure defines causes and procedure for ousting constables

HARRISBURG—The House today passed legislation authored by Rep. Peter Zug (R-102) defining the causes and the procedure for the removal of constables from office.

“The bill strengthens the rule of law by making clearer the removal process of constables,” Zug said. “As people charged with the task of law enforcement, constables have the means to abuse the law in ways that weaken our system of justice, and they must be held fully accountable.”

Zug’s measure—House Bill 465—provides for constables to be removed from office for the following reasons:

- physical or mental disability preventing job performance;
- neglect or violation of any official duty;
- conviction of a misdemeanor or felony;
- inefficiency, neglect, intemperance or conduct unbecoming a constable;
- performance of official duties while under the influence of alcohol or controlled substances.

The lawmaker said constables could not be removed for religious, racial or political reasons.

Under the bill, the district attorney can, upon his initiative or the complaint of any citizen, carry out an investigation of the constable’s conduct. If the district attorney finds cause to believe that provisions for removal apply to the conduct of the constable, the district attorney must file a petition in the court of common pleas for removal of the constable from office.

If the court finds substantial evidence to support the district attorney’s petition, it must order the removal of the constable. If the court does not find substantial evidence, it must dismiss the petition.

Under current law, a citizen can petition the court of common pleas directly to initiate an investigation of a constable. Constables can be removed from office by the court for “habits of intemperance,” “neglect of duty,” or “any act or acts or malfeasance in office.”

Zug’s bill now goes to the Senate for consideration.

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JS/jab