

PETER J. ZUG, MEMBER

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House of Representatives
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

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MEMORANDUM

TO: ALL MEMBERS

FROM: REPRESENTATIVE PETER ZUG

RE: Reintroduction of Legislation – Constable Removal (Prior HB 184)

DATE: January 21, 2003

In the near future, I will be re-introducing 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 Pennsylvania 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.



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.

I strongly encourage you to sign on as a co-sponsor of my legislation. If you are interested in being a co-sponsor, please contact Lori Losch at 787-2686 or llosch@pahousegop.com.

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District Justice Ray Sugars
District Court 12-1-01
2125 Paxton Church Road
Harrisburg, PA 17110

COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

Judge,

Thank you for taking
time to contact me regarding
the "Constable Bill". I have
passed your suggestions onto
Chairman O'Brien.

Best wishes
Pete