

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

**DATE:** December 30, 2004

**SUBJECT:** Constable Removal Legislation (Prior HB278)

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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](mailto:llosch@pahousegop.com).



PRINTED ON RECYCLED PAPER

## Lori Losch - Chester County Constable Handbook

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**From:** Rod Corey  
**To:** shaldeman@lebcnty.org  
**Date:** 2/14/2006 9:18:47 AM  
**Subject:** Chester County Constable Handbook  
**CC:** Lori Losch; Peter Zug

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Sherrie,

If you could print out the attached for Judge Charles, I would certainly appreciate it. Chester County has taken an innovative approach to dealing with problem constables. The county has created a "Constable Handbook" to "establish uniform guidelines and procedures to improve the use, proficiency, professionalism and proper payment of Chester County Constables."

Conceptually, the constables have always been independent contractors. This handbook accepts that premise and the guidelines flow from it. The county maintains that it has the right to establish parameters of acceptable behavior for its contractors, and that's the method used to create the code of conduct in the Handbook.

I thought this would be another alternative to consider for Lebanon County. With or without authorizing legislation, this appears to be a way for counties to obtain a measure of control. FYI, I know Ms. Norwood-Foden is happy to assist with any questions concerning the creation or implementation of similar programs. In any case, it may prove useful to consider the attached concept. I hope this finds you well.

# PENNSYLVANIA STATE CONSTABLES ASSOCIATION, INCORPORATED

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**Reply to:**

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## **Executive Board**

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Jack Esher

March 28, 2006

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313 Main Capitol Building

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Based on our previous discussion, the Pennsylvania State Constables Association will support H. B. 231 of Session 2005 providing that:

Past President

Sam Corey

1. It contains the suggested mutual changes as outlined at our recent meeting.

District Directors

Region I

Thomas M. Impink

Region II

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Clyde Gearhart

Region IV

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2. That it be introduced after S.B. 303 has been passed by the House of Representatives.


3. That no effort will be made on your part to oppose or delay S.B. 303 in its current passage through the House of Representatives.

It was a pleasure to work with you to reconcile any differences in your bill's content. Thank you for your continued support of the proposed constables' fee increase.

Founding Father

Vincent Santarelli

Sincerely,



Jack Esher

President

Executive Director

Emil J. Minnar

cc. Rod Corey  
Mary McDaniel  
Lee Derr  
Emil J. Minnar