

# THE COURTS

## Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

### PART V. PROFESSIONAL ETHICS AND CONDUCT [204 PA. CODE CH. 82]

#### Changes to the Pennsylvania Continuing Legal Education Regulations

The Pennsylvania Continuing Legal Education Board approved the following changes to Pennsylvania's regulations for Continuing Legal Education, effective December 8, 1998.

#### Annex A

### TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

#### PART V. PROFESSIONAL ETHICS AND CONDUCT CHAPTER 82. CONTINUING LEGAL EDUCATION Subchapter B. CONTINUING LEGAL EDUCATION BOARD REGULATIONS

#### Section 12. Accreditation of a Single Course or CLE Activity.

A provider of CLE activities which has not qualified as an Accredited Continuing Legal Education Provider or a lawyer may apply for accreditation of a single CLE activity on a form provided by the Board. The Board may require submission of a detailed description of the provider, the course, the course materials and the lectures.

(a) Application for accreditation of a single CLE activity should be submitted prior to the date of presentation of the activity if possible. Application for retroactive approval must be made within [ **one (1) year** ] **two (2) years** of the date of presentation. CLE activities held before January 1, 1994 will not be approved.

\* \* \* \* \*

[Pa.B. Doc. No. 99-223. Filed for public inspection February 12, 1999, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### ADAMS COUNTY

#### Amendments to Local Rules; Administrative Order No. 5 of 1999

#### Order of Court

And Now, this 1st day of February, 1999, local rules of this court are amended by adding new Local Crim. Rules 4003, 4006.1 and 4010, and by modifying Local Civ. Rule 1303(a) by adding 1303(a)(1) and (a)(2). All adopted rules shall continuously be available for inspection in the offices of the Prothonotary and the Clerk of Courts. Copies may be purchased in the Prothonotary's Office for

\$5.00. If the Prothonotary mails the copy, the price shall be \$8.00. Certified copies of the rules, together with a 3.5 computer disk shall be provided as follows:

1. Seven (7) copies to the Administrative Office, Pennsylvania Courts.
2. Two copies to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
3. One copy of Amended Local Civ. Rules 1303(a)(1) and (a)(2) to the Civil Procedural Rules Committee.
4. One Copy of Local Crim. Rules 4003, 4006.1 and 4010 to the Criminal Rules Committee.

Public comment should be addressed to:

Adams County Court Administrator  
Adams County Courthouse  
111-117 Baltimore Street,  
Gettysburg, Pennsylvania 17325  
Telephone 717-337-9846;  
toll calls 1-888-337-9846.

New and amended rules shall become effective thirty days after publication in the *Pennsylvania Bulletin*.

By the Court

OSCAR F. SPICER,  
*President Judge*

#### Amendments to Adams County Local Civil Rules

#### Rule 1303(a). Time, Date and Place of Hearing.

##### 1303(a)(1). Contents of Notice.

Notice, as required in Local Rule 1303(a), shall contain the following:

This matter will be heard by a board of arbitrators at the time, date and place specified but, if one or more of the parties is not present at the hearing, the matter may be heard at the same time and date before a judge of the court without the absent party or parties. There is no right to a trial de novo on appeal from a decision entered by the judge.

##### 1303(a)(2). Hearing in the Absence of One or More Parties.

When the board is convened for hearing, and if one or more parties is not present, any party who is present may request the Court Administrator to arrange a hearing before a judge. The Court Administrator will attempt to schedule a hearing before a judge on the same date as scheduled for hearing before the board. Upon consent of all parties present and the judge before whom the hearing is scheduled, a judge shall hear the case and enter a decision.

#### Amendments to Adams County Local Criminal Rules

Local Criminal Rules are amended by adding three additional rules, as follows:

#### Rule 4003. Supervised Bail.

With or without a motion, and pursuant to local rules and Pa. R.Crim. P. 4003(2), 4006.1 and 4010, a judge or district justice may, in addition to setting regular bail, authorize supervised bail and impose conditions in accordance with Local Rules 4006.1 and 4010. Supervised bail shall be an alternative to regular bail, and shall

continue until revoked, rescinded or modified. The following conditions shall apply to supervised bail:

(a) The judge or district justice shall contemporaneously set regular bail.

(b) Supervised bail shall have the effect of suspending the need for posting regular bail for as long as defendant complies with the conditions of supervised bail, or until such time as the bail remains in effect. Nothing in this rule shall prevent the bail authority from modifying, rescinding or revoking such bail for sufficient reasons other than noncompliance, upon such notice as the judge or district justice deems appropriate. Defendant shall have the right to appear and contest rescission, modification or revocation.

(c) Unless regular bail has also been revoked, defendant shall have the right to post it when supervised bail has been revoked or rescinded.

(d) In order to be eligible for supervised bail, defendant must acknowledge in writing that he or she understands and consents to the conditions of supervised bail, including conditions relating to rescission, revocation and modification of such bail and being subject to immediate arrest without a warrant for violation of any bail condition. The form of the application, acknowledgement and consent shall explain that a violation may result in revocation of regular bail, as well, but until such revocation regular bail shall continue and defendant may post such bail until an order of revocation is entered by a judge or district justice.

(e) Any probation officer of this court who has reasonable cause to believe that defendant has breached or is breaching any condition of supervised bail shall have authority to declare supervised bail rescinded and to arrest defendant with or without a warrant.

(f) Upon arrest and/or rescission, defendant shall be committed to prison pending the posting of regular bail, or reinstatement of supervised bail by a judge or district justice.

(g) Defendant, the Commonwealth and the Adams County Probation Office shall each have the right to a hearing before a judge or, for cases pending before a district justice, a district justice. Defendant may request reinstatement of supervised bail, or modification of standard bail. Commonwealth and/or the Probation Office may request forfeiture of any monetary conditions of supervised bail and/or revocation of regular bail.

(h) Unless the obligation is suspended or modified by the bail authority, defendant shall be required to pay supervision fees established by administrative order. Until changed, fees are set at \$25.00 per month general supervision fee, and \$6.00 per day fee for electronic monitoring. Defendant may request an evaluation of his or her financial condition and a reduction or suspension of supervision fees. The bail authority may reduce the fee to reflect defendant's ability to pay, or suspend the obligation entirely. In either case, defendant shall be under a continuing obligation to keep the Probation Office informed of any changes in his or her employment status and/or financial condition.

(i) Forms as part of the Supervised Bail Program shall be adopted periodically in accordance with Local Rules of Criminal Procedure 4006.1 and 4010, by administrative order. Until changed, applications and orders setting bail shall be substantially in the form published as part of Local Rule 4006.1.

(j) A defendant, who has otherwise not been considered eligible for supervised bail, may request an order directing the Probation Office to assess his or her eligibility for supervised bail. Assessment will be made in accordance with Local Rule 4006.1, with recommendations submitted by the Probation Office to the judge designated by the President Judge, via the District Attorney. An application, acknowledgement and consent, signed by defendant, shall be attached to the recommendation.

#### **Rule 4006.1. Conditions of Supervised Bail.**

Nonmonetary conditions of bail shall be as established by Pa. R.Crim.P. 4006.1, this rule and Local Rule 4003. A bail supervision program is established. Procedures, protocol, forms and conditions of bail shall be as described by the program. Until changed by administrative order, description and scope of the program, protocol, procedure and conditions of bail shall conform to the following:

#### **Adams County Supervised Bail Program**

##### *Purpose*

The supervised bail program is meant to alleviate overcrowding in Adams County Prison by allowing qualified defendants to remain free on bail pending resolution of charges. The aim of the program is to ensure public safety and a defendant's appearance and compliance with conditions of his or her bail bond. The program is not intended as a rehabilitative tool, but rehabilitative conditions may be imposed when there is a substantial likelihood that:

(a) Conduct, which shall include substance abuse as well as particular mental or emotional states, which is addressed by particular rehabilitative conditions contributed to the charges, and

(b) Without intervention, such conduct is likely to continue and cause a violation of defendant's reporting requirements or other conditions of his or her bail bond.

##### *Goals and Objectives*

1. To maximize the release of defendants on bail by identifying defendants most likely to meet reporting requirements and conditions of bail bonds through supervision.

2. To help facilitate judicial decisions regarding bail by providing the issuing authority and/or Court with factual information about the defendant in a timely manner.

3. To monitor released pretrial arrestees who have been placed on the supervised bail program to ensure compliance with the conditions of release.

4. To establish a process that would increase the release of qualified defendants from the Adams County Prison pending resolution of charges.

5. To identify defendants with substance abuse problems, and when appropriate, to refer them to appropriate treatment facilities.

6. To promote defendant's accountability through community supervision and treatment.

7. To monitor defendants to ensure compliance with bail conditions.

8. To provide information regarding a defendant's compliance with conditions, treatment requirements and overall progress on the program when plea agreements are presented to the Court and/or as aids to sentencing.

9. To establish forms, protocol, procedure and reasonable rules and regulations to enable the Adams County

Probation Office to administer and operate a supervised bail program and to inform defendants of bail conditions and consequences of violations thereof.

10. To ensure public safety.

*Intake*

Intake procedure by the Probation Office involving supervised bail may be categorized as follows:

- Low risk supervision, where conditions are initially set by the bail authority, and defendant is immediately released subject to compliance with those conditions and an obligation to report to the Probation Office no later than 2:00 p.m. the following business day.
- Regular or more restrictive supervision, where the bail authority authorizes supervised bail, subject to establishment of conditions and execution of all necessary documents.
- The bail authority refers defendant to the Probation Office for assessment and recommendation of eligibility or non-eligibility for supervised bail.

Normally, judges and district justices should not authorize release on supervised bail prior to a defendant's referral to the Probation Office. Otherwise, a hiatus may occur in supervision. However, in exceptional cases, when the Probation Office is not open and when the judge or district justice determines that a defendant presents a low risk of violating conditions of the bail bond, a defendant may be released on supervised bail. All defendants shall be referred to the Probation Office for evaluation, execution of necessary papers and supervision, and that office shall assess and process the defendant.

If a judge or district justice admits a defendant into the program when the Probation Office is open, defendant shall be referred to the office before being released. When the office is closed, low risk defendants may be temporarily released, after signing all necessary acknowledgements, agreements and consents, on condition that he or she report to the Probation Office no later than 2:00 p.m. the next business day following release. In all cases, the Probation Office shall provide the District Attorney with an opportunity to comment upon bail and to request conditions.

Entitlement to supervised bail shall differ between low risk assessments and regular and more restrictive supervision as follows:

- (a) Low risk assessments: The Probation Office shall submit its assessment and recommendation to the District Attorney, who shall approve, disapprove or approve with additional conditions. The application will then be returned to the Probation Office and defendant given an opportunity to agree to additional conditions and/or a higher level of supervision. If defendant agrees, he or she shall sign necessary forms, which will be forwarded to a judge or district justice for entry of an order. If defendant does not agree, the matter shall be listed for hearing. Defendant shall remain on supervised bail in the interim.
- (b) Other assessments: The Probation Office shall follow the same procedure as in low risk cases. However, defendant shall not be entitled to supervised bail until he or she has either agreed to recommended or requested conditions, or after hearing.
- (c) A defendant may agree conditionally with conditions and level of supervision, while requesting a hearing to consider modification. In such case, defendant may be released on supervised pending consideration of the request for modification.

When defendant has been referred for an assessment, the Probation Office shall evaluate the defendant, confer with the District Attorney and promptly notify the referring judge or district justice of its recommendations. The report shall include: (a) when the bail authority has not yet authorized supervised bail, that defendant either be granted or denied supervised bail, and (b) when supervised bail is recommended or has been authorized, that a specific level of supervision and identified special conditions be imposed. If admission is recommended, defendant's signed application, acknowledgement and consent containing proposed conditions of supervision will be included. An order may then be entered releasing defendant on supervised bail. If defendant requests modification of any condition, a hearing shall be set.

No defendant shall be released on supervised bail until he or she has read, acknowledged understanding, agreed to comply with and signed supervised bail conditions and rules. Failure to do so will be deemed a rejection of supervised bail. The Probation Office shall promptly notify the appropriate judge or district justice of defendant's rejection, when the refusal occurs in the Probation Office.

District Justices shall notify the Probation Office by phone or fax when they have placed a low risk defendant on supervised bail. Copies of all orders and forms shall be promptly provided. Efforts should be made to avoid having defendants "just show up" at the Probation Office without the prior knowledge of that office. District Justices shall also promptly provide the Probation Office with copies of orders in all cases where supervised bail is authorized, or where assessments are ordered.

The Probation Office shall periodically review admissions to the Adams County Prison to determine if any prisoners may be eligible for supervised bail. A probation officer may contact the President Judge or appropriate district justice with pertinent information and recommendations. In appropriate cases, a probation officer may assist prisoners in preparing and submitting bail applications, acknowledgements and consents. The District Attorney shall be provided an opportunity to agree or object to supervised bail.

*Assessment and supervision levels*

The Probation Office shall assess defendants to determine the level of necessary supervision and, after input from the District Attorney, shall recommend a particular level and special conditions, if any, to the bail authority. Levels may subsequently be changed upon recommendation of the Probation Office and approval of the bail authority. When restrictions are decreased, defendant's consent shall not be required. When restrictions are increased, defendant must agree, after being notified that failure to agree will be considered a rejection and rescission of supervised bail.

Levels will generally conform to the degree of supervision provided defendants released on probation or parole. In assessments for purposes of recommending a particular level, the Probation Office shall consider bail factors listed in Pa. R.Crim.P. 4002, impressions garnered during interviews, and other factors as may be set forth in this document. The office shall recommend one of four levels, which are:

1. Low risk supervision
2. Regular supervision
3. Intensive supervision
4. House arrest, with or without electronic monitoring

*Documentation*

The Probation Office shall maintain regular and appropriate records regarding defendant's supervision and compliance with bail conditions.

*Initial field/home contact*

The initial home visit/field contact shall take place within 3 working days of receipt of the case. The purpose of this contact is to verify the residence, obtain a layout of the residence, verify all occupants of the residence, and determine whether the possibility exists that weapons or illegal contraband might exist within the residence and determine whether the residence is a suitable environment.

*Collateral contacts*

Contact with local law enforcement authorities as well as treatment providers shall be encouraged in order to enhance the community supervision and monitoring of the defendant. Information shall be sought concerning adjustment in the community and compliance with bail conditions.

*Standard conditions of supervision*

The following conditions, as set forth in Local Crim. Rule 1408, shall apply to all defendants. 1a. b.; 3a. b. c. d. e. f.; 4a. b. c.; 7a. c. d.; 8. Other conditions shall apply if specifically ordered. If defendant is under the age of 21, condition 1c shall apply.

*Levels:**Low risk supervision*

This type of supervision will be ordered when a defendant presents a low risk of violating bail conditions and does not pose a threat to the community, but regular bail without monetary conditions may not guarantee defendant's required appearances, and defendant is unable to post such regular bail. Defendants under the age of 21 shall be subject to special condition 1c. Typically, defendant shall be required to report frequently by telephone and to periodically appear either at the Probation Office or to a local police department. Defendant shall be required to submit to random tests of blood, breath or urine to detect the presence of controlled substances and to pay a \$10.00 test fee. The right to travel beyond a 150-mile radius of the Adams County Courthouse shall be subject to at least ten days prior notice to the Probation Office. When travel is beyond the Commonwealth of Pennsylvania, the Probation Office shall notify defendant within three working days if it forbids, or approves such travel with conditions. In this event, defendant may seek approval from the bail authority.

Notice given orally to defendant shall suffice.

*Regular Supervision Requirements*

This type of supervision will be ordered when defendant presents a moderate risk of non-compliance and will typically conform to supervision provided persons released on probation or parole for non-violent crimes, which are relatively minor in nature. Some felonies, such as forgery, may be included and some misdemeanors, such as indecent assault, may be excluded. Simple assaults may be included, depending upon the circumstances. Gradation of the offense shall not, in itself, be dispositive. Reporting requirements may not significantly differ from low risk supervision, but other conditions, such as prohibition of alcohol consumption, and drug and alcohol assessment may be added. The following are additional considerations:

- minimal or no prior delinquent or criminal history
- some history of mental or emotional disorders or drug/alcohol abuse but no present indications of such issues
- defendant has responded favorably to previous supervision
- defendant is employed or provides care for children

*Regular supervision contact requirements:*

There will be bi-weekly personal contact with the defendant. Telephone contact shall occur on a more frequent basis, as needed. Contact may either be with the Probation Office or a local police department, if authorized by court order or by the Probation Office.

The Probation Office shall conduct a minimum of one curfew check weekly and one home visit per month.

If bail conditions prohibit consumption of alcoholic beverages, defendant must pay a test fee and submit to random tests of his or her blood, breath or urine to detect the presence of controlled substances and/or alcohol. Test indication of the presence of alcohol or illegal controlled substances shall be grounds for rescission of supervised bail. Defendant may be ordered to undergo a drug and alcohol assessment/evaluation to determine the need for appropriate treatment and to participate in recommended treatment. Standard conditions hereinafter recited shall be modified as follows:

*Curfew*—11:00 p.m.—6:00 a.m., unless special permission granted by Probation Officer or defendant is working at approved employment.

*Travel limitations*—Unless specifically more restricted, a defendant may travel freely within a one hundred fifty-mile radius within Pennsylvania and no approval is necessary. Defendant must have the bail authority or a Probation Officer's permission to travel outside the one hundred and fifty-mile radius or to leave the Commonwealth.

*Employment/Education/Training*—If employed, must maintain employment. If unemployed, and if health permits, defendant must actively seek employment. The Probation Officer may require completion and weekly submission of job search. Defendant must continue schooling and/or job training if enrolled.

*Special conditions of supervision*

The following criteria shall be considered in determining whether 1 c. d. e; 2 b. d., which relate to consumption of alcoholic beverages, counseling and evaluation, should be imposed are:

- defendant has a history of criminal involvement with alcohol or controlled substances, such as a prior DUI conviction.
- police information indicates that alcohol or drug consumption was involved in the crime charged. This factor includes indications that defendant may have committed the crime while under the influence or was motivated by a desire to procure controlled substances and/or alcoholic beverages, or that the crime involves the use of controlled substances.
- defendant is charged with DUI and his or her blood alcohol concentration was .20 percent or greater.
- defendant has indicated symptoms of mental or emotional impairment, such as disorientation, confusion, incoherence, or inability to focus, think and speak rationally.

*Intensive supervision*

All conditions of regular supervision, except as changed or modified by more restrictive conditions, shall apply to intensive supervision.

The following may be considered in determining whether defendant's bail should be intensively supervised:

- crimes which involve possible classification as a dangerous offender or violent sexual predator.
- the victim of the alleged crime is a child, or someone to whom defendant has convenient access, or whom defendant may have previously harassed, stalked or threatened.
- defendant has a significant history of delinquent and/or criminal behavior.
- defendant has a history of mental/emotional disorders or displays chronic alcohol or drug abuse.
- defendant did not comply with less restrictive conditions of the bail supervision.
- the Probation Officer's experience with the defendant or his or her prior criminal history gives the officer reasonable grounds to believe that more restrictive supervision is necessary.

The Probation Office shall maintain one face to face contact, either in the office or community setting, and one collateral contact weekly with the defendant. [Collateral contact is communication with the defendant by the telephone or communication in some manner with another person having regular contact with defendant, such as a local law enforcement officer, treatment specialist/provider, family member, etc.] The probation officer shall conduct a minimum of one curfew check per week as well as a minimum of two home visits per month on defendant.

The following restrictions shall apply:

*Drug testing/breathalyzer*—minimum of one Breathalyzer and one urinalysis test per week. Random testing as deemed appropriate by the Pretrial Officer

*Curfew*—10:00 p.m.—6:00 a.m. Sunday through Thursday unless working at approved employment

11:00 p.m.—6:00 a.m. Friday and Saturday unless working at approved employment

*Travel limitations*—Within County—unrestricted travel—No approval necessary.

Outside County—Must have Probation Officer's permission.

*Employment/Education/Training*—Must maintain employment. If unemployed, and if physically able, must actively seek employment and complete job search forms. [Minimum of one per week] Must continue schooling if enrolled in school and continue educational pursuits as appropriate.

If ordered, the following condition will apply:

*Evaluation and treatment Services*—Defendant will undergo a drug and alcohol and/or mental health evaluation to determine the need for appropriate treatment, and shall follow the recommendations resulting from the evaluation.

*House arrest*

House arrest, with or without electronic monitoring is the most restrictive form of supervised bail. All conditions of restrictive supervision shall apply, as modified by more

restrictive conditions. Defendant shall be confined to his or her residence and shall not be permitted to leave except for purposes and at such times as specifically authorized by the Probation Office. Defendant must keep the Probation Office informed of his or her whereabouts at all times.

House arrest may be ordered when charges involve serious crimes, where defendant has failed to comply with less restrictive conditions, or presents a threat to commit other crimes or to abscond. It involves situations where supervised bail would not normally be considered, but defendant's employment or family situation provides a degree of assurance that defendant will comply with conditions of his bail. It may also be ordered when defendant's trial has been delayed, and regular bail imposes a financial hardship on defendant and/or his family.

*Forms*

Until changed by administrative order, the following forms are adopted.

**APPLICATION, ACKNOWLEDGEMENT AND CONSENT**

I hereby apply for release on supervised bail. I agree to pay fees associated with the Supervised Bail Program. I understand that I will be subject to supervision by Adams County Probation Office. I acknowledge that conditions of supervised bail have been explained to me and that I understand them. I also understand that additional conditions may be imposed in the future, and agree to comply with all conditions. I understand that if I refuse to agree to additional conditions or an increase in my supervision level, supervised bail may be rescinded and I shall be subject to imprisonment until I have posted regular bail.

I further acknowledge specific understanding of the following:

- If an Adams County Probation Officer has reasonable grounds to believe that I have violated conditions of supervised bail, the officer has absolute authority to declare supervised bail rescinded and to arrest and commit me to prison.
- If this happens, I have the right to post regular bail that has been set in addition to supervised bail, and to request a hearing to ask that the rescission be set aside, or that regular bail be modified or changed.
- The Probation Officer may also request a hearing to ask that monetary conditions of my supervised bail be forfeited, and/or that both supervised and regular bail be revoked.

• Conditions of supervised bail shall include conditions of probation and parole, 1a. b.; 3a. b. c. d. e. f.; 4a. b. c.; 7a. c. d.; 8; and \_\_\_\_\_

I agree to comply with all conditions of supervised bail, including conditions of my bail bond.

I also agree:

1. To cooperate with the Probation Office at all times, and agree to follow all orders given by any probation officer. I will appear before the issuing authority or Court at all required times until full and final disposition of the criminal proceedings in this case.

2. I understand that my regular bail is set at \$ \_\_\_\_\_, and that I have the right to post regular bail, until and unless it is revoked.

3. If conditions 2b. or 2d. are included as conditions, I agree to cooperate in obtaining an evaluation and assess-

ment, and if directed by the Probation Office, to participate in any treatment program [drug, alcohol or mental health program], educational program, psychiatric counseling, life skills programming, AA, NA or any other "Treatment" Program deemed appropriate by the Probation Officer during the period I am under supervision. I will follow all directives and recommendations made by the treatment and/or program provider. I understand that failure to complete a recommended "Treatment" Program or refusal to abide by the conditions of the program is a violation of my bail conditions and will result in rescission of supervised bail and my incarceration in the Adams County Prison until I post regular bail.

4. I agree to sign all appropriate "Release of Information" forms allowing the Probation Officer access to the "Treatment Program" information necessary to monitor my progress and compliance with all program conditions.

5. I agree to maintain my residence at \_\_\_\_\_, Phone # \_\_\_\_\_ and will not change my residence without the prior written permission of the Probation Office I understand that I am not permitted to reside with or have any contact in any manner with non-family members who codefendants, victims, persons on probation or parole or any person with a known criminal record.

6. I authorize the Adams County Adult Probation Department to search my person, property and/or residence at any time with or without a search warrant for the period I am on the supervise bail. Any items the possession of which constitute a violation of the bail supervision rules/conditions and/or bail/bond conditions may be seized and used as evidence before the Court in the Bail revocation process.

7. I agree that I may not own, possess, use, carry, or transport any firearm or deadly weapon or instrument while on the supervised bail.

8a.  I understand that I may not leave the Commonwealth of Pennsylvania, or travel beyond \_\_\_\_\_ (insert a or b: a. 150 miles from Adams County; b. Adams County) without prior permission of the Probation Office.

8b.  I understand that I may not travel beyond 150 miles from Gettysburg without giving the Probation Office at least 10 days advance notice. I understand the office shall have three working days to decide whether to impose conditions or forbid me from traveling beyond 150 miles from Gettysburg. In this event, I may ask a judge or district justice for a ruling.

9. I understand that condition 3a. requires me to comply with all municipal, county, state and Federal

laws; and to live as a law-abiding citizen while on supervised bail. I understand that condition 3b. requires me to notify the Probation Office within 48 hours of receiving a criminal summons or citation, or of any arrest.

10. I understand that I am not permitted to associate or have any type of contact with any person with a criminal record without the prior approval of the Probation Office.

11. If condition 1c. is included as a condition of my supervised bail, I understand that I may not consume beverages containing alcohol. If 1e. is included, I may not consume alcoholic beverages without permission of the Probation Office.

12. I understand I must refrain from the unlawful possession, use, or distribution of illegal drugs and controlled substances.

13. If condition 1d. is included as a condition of my supervised bail, that without prior approval of the Probation Office I am not permitted to be present in any establishment that serves alcoholic beverages.

14. I agree to submit to blood, breath, or urinalysis testing at any time. Any positive results indicating the presence of a prohibited drug, drug metabolites, and/or a non-prescribed drug and/or alcohol (if I am subject to condition 1c. or 1e. shall be a violation of supervised bail and will result in rescission of supervised bail and incarceration in the Adams County Prison. I understand that I will be given two [2] hours to produce a urine specimen of sufficient quantity for testing. Failure to produce a specimen of sufficient quantity and quality for laboratory testing within that time will be deemed a violation of supervised bail and can also result in my incarceration in the Adams County Prison.

15. I agree to comply with a curfew of \_\_\_\_\_ as imposed by the Probation Officer. During this period, I must live at the approved residence at all times.

16. I agree to pay fees as ordered, which are:  \$25.00 per month supervision fee;  an electronic monitoring fee of \$6.00 per day; or  \$ \_\_\_\_\_.

17. I agree to sign a form waiving my rights to formal extradition, and/or the right to be produced before a judicial officer should I be arrested within another jurisdiction.

\_\_\_\_\_  
Defendant                      Date                      Probation Officer

**Form of Order  
(Caption)**

And now, \_\_\_\_\_, 19 \_\_, bail is set in the sum of \$ \_\_\_\_\_. Cash percentage bail  is  is not available. Bail shall be subject to requirements of local and state rules of Court and law, and the following special conditions (if none, write none):

- A copy of this order shall be provided defendant, Adams County Prison and the Adams County Probation Office.
- The following apply, if checked:
- Defendant is released on supervised bail, subject to conditions in his application, acknowledgement and consent and subject further to his appearance at Adams County Probation Office no later than 2:00 p.m. on \_\_\_\_\_.
  - Defendant is notified that he/she may be required to agree to additional conditions after assessment by the Probation Office, in order for supervised bail to continue.

- Defendant may be released on supervised bail after arrangements and proper paper work are completed with the Probation Office, and defendant has signed all necessary forms.
- Defendant is referred to the Probation Office for evaluation and recommendation of eligibility for supervised bail.
- Defendant's obligation to post regular bail as a condition of release  *is*:  *shall upon execution of all forms be*, suspended and defendant may be released on alternative supervised bail for as long as defendant complies with conditions of supervised bail, and/or until such bail is rescinded, modified, or revoked. Supervised bail shall be subject to conditions of law, state and local rules of Court, as well as all other conditions incorporated in defendant's application, acknowledgement and consent. In addition, supervised bail shall be subject to the following conditions, as checked:
  - ROR  monetary condition in the sum of \$ \_\_\_\_\_, with cash percentage bail  *available*  *not available*;
  - Special conditions: \_\_\_\_\_  payment by defendant of a supervision or monitoring fee of \$ \_\_\_\_\_ per \_\_\_\_\_.
  - defendant shall be under a continuing obligation to keep the Probation Officer informed of his employment and financial status.
  - house arrest
  - electronic monitoring

Any probation officer having reasonable cause to believe that defendant has violated any condition of supervised bail may declare supervised bail to be rescinded and arrest defendant with or without a warrant. Upon arrest, defendant shall be committed to prison pending the posting of regular bail. The probation officer shall promptly file a notice of rescission and arrest with the appropriate court or district justice office and may request revocation of supervised and regular bail, as well as forfeiture of monetary conditions of supervised bail.

Defendant may request that supervised bail be reinstated or that regular bail be modified.

By the Court,

\_\_\_\_\_  
Judge or District Justice

**Order of Referral**

(to be used when a request for supervised bail is submitted after bail has been set)

**Caption**

And now, \_\_\_\_\_, upon motion of the defendant, the request for supervised bail is referred to the Probation Office. That office shall evaluate defendant, explain the contents of the application, acknowledgment and consent, and when defendant has signed that form, submit a recommendation to this court via the District Attorney, with the form attached.

By the Court,

\_\_\_\_\_  
Judge

**Notice of Rescission and Order**

**Caption**

To the defendant:

Your supervised bail has been rescinded and you are subject to imprisonment until you have posted regular bail or until supervised bail is reinstated. You have the right to post regular bail unless and until that bail is revoked by the bail authority. Both you and the Probation Office have the right to demand a hearing. You may either demand that hearing immediately, or file your request promptly with either the court or district justice. Promptness will be determined in light of all circumstances, but generally requires filing within ten days. You may request that supervised bail be reinstated and/or that regular bail be modified or changed. The Probation Office may request that regular bail be revoked and/or that any monetary conditions of your supervised bail be forfeited.

Dated: \_\_\_\_\_  
\_\_\_\_\_  
Probation Officer

I acknowledge receipt of this notice. I  *do*  *do not* request a hearing.

Dated: \_\_\_\_\_  
\_\_\_\_\_  
Defendant

**Order**

And Now, \_\_\_\_\_, a hearing is scheduled for \_\_\_\_\_, in a courtroom to be designated. The Probation Office shall notify all interested persons.

By the Court,

\_\_\_\_\_  
Judge

Forms for internal use may be adopted by the Probation Office at any time.

### Probation Office Report

- Defendant has signed all necessary papers and has been released on supervised bail.
- Defendant has signed all necessary papers and has been released on supervised bail.
- Defendant has either not agreed to all conditions, has not signed all necessary papers, or has not appeared as directed by order and supervised bail has been rescinded.
- The Probation Office recommends that special conditions \_\_\_\_\_ be added before defendant is released on supervised bail. Defendant  has  has not agreed to additional conditions.

(The next items to be checked when defendant has been referred to the Probation Office for evaluation and recommendation.)

- The Probation Office recommends that defendant be considered eligible for supervised bail subject to standard conditions of the supervised bail program and additional conditions \_\_\_\_\_.
- The Probation Office recommends that defendant be considered ineligible for supervised bail.

Dated: \_\_\_\_\_  
 \_\_\_\_\_  
 Probation Officer

### District Attorney's Acknowledgment (In all cases)

I acknowledge that I have received notice of defendant's supervised bail status. (For referral cases only)  I acquiesce in supervised bail  I oppose supervised bail  I do not oppose supervised bail if condition(s) \_\_\_\_\_ are added.

Dated: \_\_\_\_\_  
 \_\_\_\_\_  
 District Attorney

If defendant conditionally agrees to conditions and level of supervision and requests a hearing, check here  and sign.  
 Dated: \_\_\_\_\_

### Order (after referral) caption

AND NOW,

The following apply, if checked:

- Defendant's request for supervised bail is denied.
- Defendant may be released on supervised bail subject to conditions in the application, acknowledgment and consent.
- Defendant's obligation to post regular bail as a condition of release  is;  shall upon execution of all forms be, suspended and defendant may be released on alternative supervised bail for as long as defendant complies with conditions of supervised bail, and/or until such bail is rescinded, modified, or revoked. Supervised bail shall be subject to conditions of law, state and local rules of Court, as well as all other conditions incorporated in defendant's application, acknowledgement and consent. In addition, supervised bail shall be subject to the following conditions, as checked:
- ROR  monetary condition in the sum of \$ \_\_\_\_\_, with cash percentage bail  available  not available;
- Special conditions: \_\_\_\_\_  payment by defendant  
 of a supervision or monitoring fee of \$ \_\_\_\_\_ per \_\_\_\_\_.
- defendant shall be under a continuing obligation to keep the Probation Officer informed of his employment and financial status.
- house arrest
- electronic monitoring

Any probation officer having reasonable cause to believe that defendant has violated any condition of supervised bail may declare supervised bail to be rescinded and arrest defendant with or without a warrant. Upon arrest, defendant shall be committed to prison pending the posting of regular bail. The probation officer shall promptly file a notice of rescission and arrest with the appropriate court or district justice office and may request revocation of supervised and regular bail, as well as forfeiture of monetary conditions of supervised bail. Defendant may request that supervised bail be reinstated or that regular bail be modified.

By the Court,

\_\_\_\_\_  
 Judge



**Rule 4010. Bail Agency.**

For purposes of administering the supervised bail program, the Adams County Probation Office is designated as the bail agency for this court.

*BAIL ASSESSMENT*

Part I. To be completed by the Probation Office

Defendant's name: \_\_\_\_\_

CC Number: \_\_\_\_\_

Charges: \_\_\_\_\_

Prior Record, if known: \_\_\_\_\_

Part II. To be completed by Defendant

1. State your address: \_\_\_\_\_  
Street

City State Zip

2. State your telephone number: ( ) \_\_\_\_\_

3. Where do you work? \_\_\_\_\_

4. How long have you worked there? \_\_\_\_\_

5. What is your take home pay? \_\_\_\_\_

6. Name the persons who are dependent upon you for support:

<i>NAME</i>	<i>AGE</i>	<i>RELATIONSHIP</i>	<i>ADDRESS (If the same as yours, write same)</i>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

7. State your marital and living status:  married, living with spouse;  
 married, but separated;  divorced;  living with girl or boyfriend.

8. Prior employment within 5 years:

<i>Employers name</i>	<i>Period of employment</i>	<i>Reason for termination</i>
_____	_____	_____
_____	_____	_____
_____	_____	_____

9. Do you  own your own home;  rent a home or apartment;  
 live with a friend

10. Do you have family members or a girl or boyfriend living in Adams County?  Yes;  No

State names and relationship: \_\_\_\_\_

11. Have you ever been treated or sought counseling or other treatment for a mental or emotional illness or problem?

Yes;  No; If yes, when and by whom: \_\_\_\_\_

Or for drug dependency?  Yes;  No: If yes, when and by whom: \_\_\_\_\_

12. Do you consume alcoholic beverages?  Yes;  No  
If so  beer;  wine;  whiskey How many drinks per day? \_\_\_\_\_

12a. Do you use non prescribed controlled substances?  Yes;  No;

Declined; If yes, what substance? \_\_\_\_\_

13. Have you ever missed work because of alcohol consumption?

Yes;  No; Have you been counseled or treated for alcohol abuse?  Yes;  No; If yes, when and by whom: \_\_\_\_\_

14. Have you ever been convicted of an alcohol or drug related crime?

Yes;  No; if yes, when and where: \_\_\_\_\_

THE COURTS

15. Have you ever been released on bail before?  Yes;  No  
If yes, when and where: \_\_\_\_\_

16. Have you ever failed to appear as directed or ordered in a criminal case?  
If yes, was a bench warrant issued for your arrest?  Yes;  No  
If yes, what happened: \_\_\_\_\_

17. Describe any real estate you own in the State of Pennsylvania:  
*Location* *Use* *Your equity (value less liens)*

18. Describe any checking or bank accounts you own:  
*Bank* *Address* *Type* *Balance*

19. State stocks, bonds, notes you own:  
*Stocks, bonds, CD, or note(s)* *Where* *Value*

To be signed by defendant:

I understand that any false statements made herein and which I do not believe are true, are subject to punishment by law in accordance with 18 Pa.C.S.A. § 4904.

\_\_\_\_\_  
Date Defendant

For Probation Office Use:

Probation Officer's Name: \_\_\_\_\_

List questionable answers or those believed to be untrue. \_\_\_\_\_

Supervised bail  Is;  Is not recommended.

\_\_\_\_\_  
Probation Officer

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