

THE COURTS

Title 255—LOCAL COURT RULES

Lehigh County

Amendment to Local Rule CR-101A; Approval of Police Complaints and Arrest Warrant Affidavits by Attorney for the Commonwealth; File No. 2002/1971-M

Order

And Now, this 3rd day of September, 2002, *It Is Ordered* that the local rule for Approval of Police Complaints and Arrest Warrant Affidavits by Attorney for the Commonwealth in the 31st Judicial District composed of Lehigh County be, and the same is, hereby amended, to become effective thirty (30) days after the publication of the rule in the *Pennsylvania Bulletin*; that seven (7) certified copies shall be filed with the Administrative Office of Pennsylvania Courts; that two (2) certified copies shall be filed with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*; that one (1) certified copy shall be filed with the Criminal Procedural Rules Committee; and that one (1) copy shall be filed with the Clerk of Courts of Common Pleas of Lehigh County.

By the Court

WILLIAM H. PLATT,
President Judge

Rule CR-101A. Approval of Police Complaints and Arrest Warrant Affidavits by Attorney for the Commonwealth.

The District Attorney of Lehigh County having filed a certification pursuant to Pa.R.Crim.P. 507:

1. Enumerated Offenses.

Criminal complaints and arrest warrant affidavits by police officers, as defined in the Rules of Criminal Procedure, charging one or more of the following offenses shall not hereafter be accepted by any judicial officer unless the complaint and affidavit has the approval of an attorney for the Commonwealth prior to filing:

- a. Criminal homicide in violation of 18.Pa.C.S. § 2501
 - Murder of any degree in violation of 18.Pa.C.S. § 2502
 - Voluntary manslaughter in violation of 18.Pa.C.S. § 2503
 - Involuntary manslaughter in violation of 18.Pa.C.S. § 2504
 - Drug delivery resulting in death 18.Pa.C.S. § 2506
 - Criminal homicide of unborn child 18 Pa.C.S. § 2604
 - Murder of unborn child 18 Pa.C.S. § 2604
 - Voluntary manslaughter of unborn child 18 Pa.C.S. § 2605
- b. Homicide by vehicle 75 Pa.C.S. § 3732
 - Homicide by vehicle while driving under influence in violation of 75 Pa.C.S. § 3735
 - Accidents involving death or serious bodily injury 75 Pa.C.S. § 3742(b)(2) and (3)

- c. Aggravated assault 18 Pa.C.S. § 2702
 - Assault by prisoner 18 Pa.C.S. § 2703
 - Assault by life prisoner 18 Pa.C.S. § 2704
 - Kidnapping 18 Pa.C.S. § 2901
 - Recklessly endangering another person 18 Pa.C.S. § 2705
- d. Rape 18.Pa.C.S. § 3121
 - Statutory sexual assault 18.Pa.C.S. § 3122
 - Involuntary deviate sexual intercourse 18.Pa.C.S. § 3123
 - Sexual assault 18 Pa.C.S. § 3124.1
 - Institutional sexual assault 18 Pa.C. § 3124.2
 - Aggravated indecent assault 18 Pa.C.S. § 3125
 - Sexual abuse of children 18 Pa.C.S. § 6312
 - Neglect of care-dependent person 18 Pa.C.S. § 2713
- e. Arson 18 Pa.C.S. § 3301
 - Causing or risking a catastrophe 18 Pa.C.S. § 3302
 - Burglary 18 Pa.C.S. § 3502
 - Robbery 18 Pa.C.S. 3701
 - Robbery of motor vehicle 18 Pa.C.S. § 3702
- f. Person not to possess firearm 18 Pa.C.S. § 6105
 - Firearms not to be carried without a license 18 Pa.C.S. § 6106
 - Possession of firearm by a minor 18 Pa.C.S. § 6110.1
 - Possession of firearm with altered serial number 18 Pa.C.S. § 6110.2
 - Certain bullets prohibited 18 Pa.C.S. § 6121
 - Theft and Receiving stolen property (firearms) 18 Pa.C.S. § 3903(a)(2) and (a.1)
 - Discharge of a firearm into an occupied structure 18 Pa.C.S. § 2707.1
- g. Ethnic intimidation 18 Pa.C.S. § 2710
 - Bribery in official and political matters 18 Pa.C.S. § 4701
 - Threats and other improper influences in official and political matters 18 Pa.C.S. § 4702
 - Perjury 18 Pa.C.S. § 4902
 - Interception, disclosure or use of wire, electronic or oral communications 18 Pa.C.S. § 5703
 - Election code violations 25 Pa.C.S. (all offenses)
- h. Controlled substance, drug device and cosmetic act 35 P. S. § 780-113 (all felonies)
- i. Criminal attempt to commit any of the above offenses 18 Pa.C.S. § 901
 - Criminal solicitation to commit any of the above offenses 18 Pa.C.S. § 902
 - Criminal conspiracy to commit any of the above offenses 18 Pa.C.S. § 903

- j. Any offense enumerated in Act No. 1995-33 (SS1) which is not a "delinquent act" as defined in § 6302¹ (2) (I), (ii), and (iii) (delinquent act), and which is now treated as an adult offense.

¹ 6302(2) The term shall not include:

- (i) The crime of murder.
- (ii) Any of the following prohibited conduct where the child was 15 years of age or older at the time of the alleged conduct, and a deadly weapon as defined in 18 Pa.C.S. § 2301 (relating to definitions) was used during the commission of the offense, which, if committed by an adult, would be classified as:
 - (A) Rape as defined in 18 Pa.C.S. § 3121 (relating to rape).
 - (B) Involuntary deviate sexual intercourse as defined in 18 Pa.C.S. § 3123 (relating to involuntary deviate sexual intercourse).
 - (C) Aggravated assault as defined in 18 Pa.C.S. § 2702(a)(1) or (2) (relating to aggravated assault).
 - (D) Robbery as defined in 18 Pa.C.S. § 3701(a)(1)(I), (ii) or (iii) (relating to robbery).
 - (E) Robbery of motor vehicle as defined in 18 Pa.C.S. § 3702 (relating to robbery of motor vehicle).
 - (F) Aggravated indecent assault as defined in 18 Pa.C.S. § 3125 (relating to aggravated indecent assault).
 - (G) Kidnapping as defined in 18 Pa.C.S. § 2901 (relating to kidnapping).
 - (H) Involuntary manslaughter.
- (i) An attempt, conspiracy or solicitation to commit murder or any of these crimes, as provided in 18 Pa.C.S. §§ 901 (relating to criminal attempt), 902 (relating to criminal solicitation) and 903 (relating to criminal conspiracy).
- (iii) Any of the following prohibited conduct where the child was 15 years of age or older at the time of the alleged conduct, and has been previously adjudicated delinquent of any of the following prohibited conduct, which, if committed by an adult, would be classified as:
 - (A) Rape as defined in 18 Pa.C.S. § 3121.
 - (B) Involuntary deviate sexual intercourse as defined in 18 Pa.C.S. § 3123.
 - (C) Robbery as defined in 18 Pa.C.S. § 3701(a)(1)(I), (ii) or (iii).
 - (D) Robbery of motor vehicle as defined in 18 Pa.C.S. § 3702.
 - (E) Aggravated indecent assault as defined in 18 Pa.C.S. § 3125.
 - (F) Kidnapping as defined in 18 Pa.C.S. § 2901.
 - (G) Voluntary manslaughter.
 - (H) An attempt, conspiracy or solicitation to commit murder or any of these crimes as provided in 18 Pa.C.S. §§ 901, 902 and 903.

2. Re-Arrests and Refilings

Police criminal complaints or arrest warrant affidavits shall not hereafter be accepted by any judicial officer unless the complaint and affidavit has the approval of an attorney for the Commonwealth prior to filing where the complaint or arrest warrant are for the rearrest of a defendant previously discharged, or to reinstitute a charge or charges previously dismissed by an issuing authority for failure to prove a prima facie case, provided the current and the former cases arise out of the same criminal episode.

3. Arrest Warrant Affidavits Requiring Sealing.

Arrest warrant affidavits shall not hereafter be accepted by any judicial officer unless the arrest warrant affidavit has the approval of an attorney for the Commonwealth prior to filing in any case where the affidavit contains information the disclosure of which, in the opinion of the police, would endanger the safety of an informant, jeopardize the integrity of an ongoing criminal investigation, or which for any other reason should not be disclosed at or about the time of the execution of the warrants. The judicial officer shall ask the police, prior to accepting an affidavit, whether it contains any such information, and if the police indicate it does, the judicial officer shall require that it be submitted to an attorney for the Commonwealth for approval in accordance with this Rule. If the police indicate it does not, the judicial officer shall accept the affidavit.

[Pa.B. Doc. No. 02-1669. Filed for public inspection September 27, 2002, 9:00 a.m.]