

# THE COURTS

## Title 234—RULES OF CRIMINAL PROCEDURE

[234 PA. CODE CH. 2]

Order Amending Rules 203, 205, and 206; No. 333  
Criminal Procedural Rules; Doc. No. 2

The Criminal Procedural Rules Committee has prepared a Final Report explaining the October 19, 2005 changes to Rules of Criminal Procedure 203, 205, and 206. The changes, which will be effective February 1, 2006, provide procedures for anticipatory search warrants. The Final Report follows the Court's Order.

### Order

*Per Curiam:*

Now, this 19th day of October, 2005, upon the recommendation of the Criminal Procedural Rules Committee; the proposal having been published before adoption at 35 Pa.B. 2861 (May 14, 2005), and a Final Report to be published with this *Order*:

*It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rules of Criminal Procedure 203, 205, and 206 are amended in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. 103(b), and shall be effective February 1, 2006.

### Annex A

#### TITLE 234. RULES OF CRIMINAL PROCEDURE

#### CHAPTER 2. INVESTIGATIONS

#### PART A. Search Warrant

#### Rule 203. Requirements for Issuance.

\* \* \* \* \*

**(F) A search warrant may be issued in anticipation of a prospective event as long as the warrant is based upon an affidavit showing probable cause that at some future time, but not currently, certain evidence of a crime will be located at a specified place.**

#### Comment

\* \* \* \* \*

Paragraph (D) changes the procedure discussed in *Commonwealth v. Crawley*, 209 Pa. Super. 70, 223 A.2d 885 ([ Pa. Super. ] 1966), aff'd per curiam 432 Pa. 627, 247 A.2d 226 ([ Pa. ] 1968). See *Commonwealth v. Miliken*, 450 Pa. 310, 300 A.2d 78 ([ Pa. ] 1973).

\* \* \* \* \*

Paragraph (F) was added to the rule in 2005 to provide for anticipatory search warrants. The rule incorporates the definition of anticipatory search warrants set forth in *Commonwealth v. Glass*, 562 Pa. 187, 754 A.2d 655 (2000).

**Official Note:** Rule 203 adopted March 28, 1973, effective for warrants issued 60 days hence; renumbered Rule 203 and amended March 1, 2000, effective April 1, 2001; amended May 10, 2002, effective September 1, 2002; amended October 19, 2005, effective February 1, 2006.

#### Committee Explanatory Reports:

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court's Order at 30 Pa.B. [ 1477 ] 1478 (March 18, 2000).

\* \* \* \* \*

**Final Report explaining the October 19, 2005 amendments regarding anticipatory search warrants published with the Court's Order at 35 Pa.B. (November 5, 2005).**

#### Rule 205. Contents of Search Warrant.

Each search warrant shall be signed by the issuing authority and shall:

\* \* \* \* \*

(4) direct that the search be executed **either**:

(a) within a specified period of time, not to exceed 2 days from the time of issuance, **or**;

(b) **when the warrant is issued for a prospective event, only after the specified event has occurred;**

\* \* \* \* \*

#### Comment

Paragraphs (2) and (3) are intended to proscribe general or exploratory searches by requiring that searches be directed only towards the specific items, persons, or places set forth in the warrant. Such warrants should, however, be read in a common sense fashion and should not be invalidated by hypertechnical interpretations. This may mean, for instance, that when an exact description of a particular item is not possible, a generic description may suffice. See *Commonwealth v. Matthews*, 446 Pa. 65, 69—74, 285 A.2d 510, 513-14 ([ Pa. ] 1971).

Paragraph (4) is included pursuant to the Court's supervisory powers over judicial procedure to supplement *Commonwealth v. [McCante] McCants*, 450 Pa. 245, 299 A.2d 283 ([ Pa. ] 1973), holding that an unreasonable delay between the issuance and service of a search warrant jeopardizes its validity. Paragraph (4) sets an outer limit on reasonableness. A warrant could, in a particular case, grow stale in less than two days. If the issuing authority believes that only a particular period which is less than two days is reasonable, he or she must specify such period in the warrant.

**Paragraph (4)(b) provides for anticipatory search warrants. These types of warrants are defined in *Commonwealth v. Glass*, 562 Pa. 187, 754 A.2d 655 (2000), as "a warrant based upon an affidavit showing probable cause that at some future time (but not presently) certain evidence of crime will be located at a specified place."**

\* \* \* \* \*

**Official Note:** Rule 205 adopted October 17, 1973, effective 60 days hence; amended November 9, 1984, effective January 2, 1985; amended September 3, 1993, effective January 1, 1994; renumbered Rule 205 and amended March 1, 2000, effective April 1, 2001; amend **October 19, 2005, effective February 1, 2006.**

#### Committee Explanatory Reports:

\* \* \* \* \*

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court's Order at 30 Pa.B. [ 1477 ] 1478 (March 18, 2000).

**Final Report explaining the October 19, 2005 amendments to paragraph (4) and the Comment published with the Court's Order at 35 Pa.B. 6088 (November 5, 2005).**

**Rule 206. Contents of Application for Search Warrant.**

Each application for a search warrant shall be supported by written affidavit(s) signed and sworn to or affirmed before an issuing authority, which affidavit(s) shall:

\* \* \* \* \*

(6) set forth specifically the facts and circumstances which form the basis for the affiant's conclusion that there is probable cause to believe that the items or property identified are evidence or the fruit of a crime, or are contraband, or are **or are expected to be** otherwise unlawfully possessed or subject to seizure, and that these items or property are **or are expected to be** located on the particular person or at the particular place described;

\* \* \* \* \*

**Comment**

\* \* \* \* \*

While this rule continues to require written affidavits, the form of affidavit was deleted in 1984 because it is no longer necessary to control the specific form of written affidavit by rule.

**The 2005 amendments to paragraph (6) recognize anticipatory search warrants. To satisfy the requirements of paragraph (6) when the warrant being requested is for a prospective event, the application for the search warrant also must include a statement explaining how the affiant knows that the items to be seized on a later occasion will be at the place specified. See *Commonwealth v. Coleman*, 574 Pa. 261, 830 A.2d 554 (2003), and *Commonwealth v. Glass*, 562 Pa. 187, 754 A.2d 655 (2000).**

\* \* \* \* \*

**Official Note:** Previous Rule 2006 adopted October 17, 1973, effective 60 days hence; rescinded November 9, 1984, effective January 2, 1985. Present Rule 2006 adopted November 9, 1984, effective January 2, 1985; amended September 3, 1993, effective January 1, 1994; renumbered Rule 206 and amended March 1, 2000, effective April 1, 2001; **amended October 19, 2005, effective February 1, 2006.**

*Committee Explanatory Reports:*

\* \* \* \* \*

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court's Order at 30 Pa.B. [ 1477 ] 1478 (March 18, 2000).

**Final Report explaining the October 19, 2005 amendments to paragraph (6) and the Comment published with the Court's Order at 35 Pa.B. 6088 (November 5, 2005).**

**FINAL REPORT<sup>1</sup>**

***Amendments to Pa.Rs.Crim.P. 203, 205, and 206***

**Anticipatory Search Warrants**

On October 19, 2005, effective February 1, 2006, upon the recommendation of the Criminal Procedural Rules Committee, the Court amended Rules 203 (Requirements for Issuance), 205 (Contents of Search Warrant), and 206 (Contents of Application for Search Warrant) to provide procedures for anticipatory search warrants.

In response to *Commonwealth v. Glass*, 562 Pa. 187, 754 A.2d 655 (2000), and *Commonwealth v. Coleman*, 574 Pa. 261, 830 A.2d 554 (2003) in which the Court acknowledges the validity of anticipatory search warrants<sup>2</sup>, the Committee reviewed the search warrant rules, Part A (Search Warrants) of Chapter 2 (Investigations), to determine whether the rules required amendment to accommodate anticipatory search warrants.

As defined in *Glass*, an anticipatory search warrant is "a warrant based upon an affidavit showing probable cause that at some future time (but not presently) certain evidence of crime will be located at a specified place." *Coleman* provided further guidance concerning, inter alia, the requirements that (1) the execution of the warrant be explicitly conditioned upon the occurrence of a triggering event and (2) at the time of issuance, there be a fair probability that the event will actually occur.

The Committee, after reviewing *Glass* and *Coleman* and the search warrant rules, agreed the search warrant rules, in particular Rules 203, 205, and 206, in their current form could be read to prohibit anticipatory search warrants and thus would create confusion for members of the bench and bar and minor judiciary. Accordingly, the Committee recommended that Rules 203, 205, and 206 be amended to accommodate anticipatory search warrants as recognized in *Glass* and its progeny.

Rule 203 (Requirements for Issuance) is amended by the addition of a new paragraph (F) that provides the general authority for anticipatory search warrants, based on the definition contained in *Glass*. Proposed new paragraph (F) states:

A search warrant may be issued in anticipation of a prospective event as long as the warrant is based upon an affidavit showing probable cause that at some future time, but not currently, certain evidence of a crime will be located at a specified place.

A reference to *Glass* is added to the Comment to Rule 203.

Paragraph (4)(b) of Rule 205 is amended to make it clear that, when a warrant is issued for a prospective event, it may be executed only after the specified event has occurred. Thus, officers executing the warrant would not need further approval from or contact with the issuing authority in order to execute the warrant. The officers' decision to execute the warrant could be challenged by suppression motion. A citation to the *Glass* definition of "anticipatory search warrant" is also added to the Comment to Rule 205.

Paragraph (6) of Rule 206 is amended to include prospective events as a basis for the facts and circumstances that form the basis of the probable cause conclu-

<sup>1</sup> The Committee's Final Reports should not be confused with the official Committee Comments to the rules. Also note that the Supreme Court does not adopt the Committee's Comments or the contents of the Committee's explanatory Final Reports.

<sup>2</sup> Pursuant to *Glass*, anticipatory search warrants are consistent with constitutional protections against unreasonable searches and seizures so long as the issuing authority is satisfied that the warrant will not be executed prematurely.

sion. The Comment is also revised to refer to *Glass* and *Coleman*, adding further refinement to the probable cause determination regarding anticipatory search warrants.

[Pa.B. Doc. No. 05-2011. Filed for public inspection November 4, 2005, 9:00 a.m.]

[234 PA. CODE CH. 5]

Order Amending Rules 514 and 517; No. 332 Criminal Procedural Rules; Doc. No. 2

The Criminal Procedural Rules Committee has prepared a Final Report explaining the October 19, 2005 changes to Rules of Criminal Procedure 514 and 517. The changes, which will be effective February 1, 2006, eliminate the term "alias warrants" from the rules as archaic, and replace the term in Rule 514 with a provision for the reissuance of a warrant and in Rule 517 with a provision for the issuance of a bench warrant. The Final Report follows the Court's Order.

Order

Per Curiam:

Now, this 19th day of October, 2005, upon the recommendation of the Criminal Procedural Rules Committee; the proposal having been published before adoption at 35 Pa.B. 1558 (March 5, 2005), and a Final Report to be published with this Order.

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rules of Criminal Procedure 514 and 517 are amended in the following form.

This Order shall be processed in accordance with Pa.R.J.A. 103(b), and shall be effective February 1, 2006.

Annex A

TITLE 234. RULES OF CRIMINAL PROCEDURE

CHAPTER 5. PRETRIAL PROCEDURES IN COURT CASES

PART B(3). Arrest Procedures in Court Cases

(a) Arrest Warrants

Rule 514. Duplicate and [ Alias ] Reissued Warrants of Arrest.

\* \* \* \* \*

(B) After service and execution of an original or duplicate warrant, [ an alias warrant may be issued ] the issuing authority may reissue the warrant if the purpose for which the original or duplicate has been issued has not been accomplished.

Comment

This rule permits the use of advanced communication technology for the issuance of duplicate and [ alias ] reissued arrest warrants.

Under this rule, warrant information transmitted by using advanced communication technology has the same force and effect as a duplicate or [ alias ] reissued arrest warrant. This rule does not require that the transmitted warrant information be an exact copy of the original warrant for purposes of execution under Rule 515. Nothing in this rule, however, is intended to curtail the Rule 540(C) requirement that the issuing authority

provide the defendant with an exact copy of the warrant at the preliminary arraignment. See Rule 513 (Requirements for Issuance).

This rule originally used the term "alias warrant" to describe the reissuance of a warrant that has been served and executed but has not accomplished its original purpose. The term "alias warrant" is archaic and its meaning obscure, leading to potential confusion. With the 2005 amendments, the terminology of the rule has been simplified by deleting "alias warrant" and replacing it with "reissue," thereby retaining the underlying practice previously described by the term "alias warrant."

Official Note: Original Rule 113 adopted June 30, 1964, effective January 1, 1965; suspended January 31, 1970, effective May 1, 1970. New Rule 113 adopted January 31, 1970, effective May 1, 1970; renumbered Rule 121 September 18, 1973, effective January 1, 1974; amended August 9, 1994, effective January 1, 1995; renumbered Rule 514 and amended March 1, 2000, effective April 1, 2001; Comment revised May 10, 2002, effective September 1, 2002; amended October 19, 2005, effective February 1, 2006.

Committee Explanatory Reports:

\* \* \* \* \*

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court's Order at 30 Pa.B. [ 1477 ] 1478 (March 18, 2000).

\* \* \* \* \*

Final Report explaining the October 19, 2005 amendments to paragraph (B) deleting "alias warrant" published with the Court's Order at 35 Pa.B. 6090 (November 5, 2005).

Rule 517. Procedure in Court Cases When Warrant of Arrest is Executed Outside Judicial District of Issuance.

\* \* \* \* \*

(E) When a defendant who has posted bail and been released from custody before preliminary arraignment thereafter fails to appear at the time fixed, the proper issuing authority in the judicial district where the warrant was issued shall forthwith cause the bail to be forfeited according to law, and issue [ an alias warrant of arrest ] a bench warrant. If the defendant is thereafter arrested outside the judicial district where the [ alias ] bench warrant was issued, the defendant shall not be entitled to post bail in the judicial district where arrested, but shall be taken as soon as practicable to the judicial district where the [ alias ] bench warrant was issued for preliminary arraignment by the proper issuing authority.

\* \* \* \* \*

Comment

\* \* \* \* \*

Section 8953 of the Judicial Code, 42 Pa.C.S. § 8953, provides for the execution of warrants of arrest beyond the territorial limits of the police officer's primary jurisdiction. See also Commonwealth v. Mason, 507 Pa. 396, 490 A.2d 421 ([ Pa. ] 1985).

Paragraph (E) originally used the term "alias warrant" to describe the type of warrant issued when a defendant is arrested outside the judicial

**district of issuance, is released on bond by a magisterial district judge in the judicial district of arrest conditioned on the defendant's appearance at a preliminary arraignment in the judicial district of issuance, and then fails to appear. Because the term "alias warrant" is an archaic term that refers to the reissuance of a warrant when the original purpose of the warrant has not been achieved, and the warrant issued in paragraph (E) is issued for the failure to appear as contemplated by Rule 536(A)(1)(b), paragraph (E) was amended in 2005 by changing the terminology to "bench warrant."**

**Official Note:** Original Rule 117 adopted June 30, 1964, effective January 1, 1965; suspended January 31, 1970, effective May 1, 1970. New Rule 117 adopted January 31, 1970, effective May 1, 1970; renumbered Rule 123 September 18, 1973, effective January 1, 1974; amended January 28, 1983, effective July 1, 1983; renumbered Rule 124 and amended August 9, 1994, effective January 1, 1995; amended December 27, 1994, effective April 1, 1995; renumbered Rule 517 and amended March 1, 2000, effective April 1, 2001; Comment revised May 10, 2002, effective September 1, 2002; **amended October 19, 2005, effective February 1, 2006.**

*Committee Explanatory Reports:*

\* \* \* \* \*

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court's Order at 30 Pa.B. [ 1477 ] **1478** (March 18, 2000).

\* \* \* \* \*

**Final Report explaining the October 19, 2005 amendments to paragraph (E) changing "alias warrant" to "bench warrant" published with the Court's Order at 35 Pa.B. 6090 (November 5, 2005).**

#### FINAL REPORT<sup>1</sup>

#### *Amendments to Pa.Rs.Crim.P. 514 and 517*

#### **Alias Warrants**

On October 19, 2005, effective February 1, 2006, upon the recommendation of the Criminal Procedural Rules Committee, the Court amended Rules 514 (Duplicate and Alias Warrants of Arrest) and 517 (Procedure in Court Cases When Warrant of Arrest is Executed Outside Judicial District of Issuance) to eliminate the term "alias warrants" from the rules as archaic, and replace the term in Rule 514 with a provision for the reissuance of a warrant and in Rule 517 with a provision for the issuance of a bench warrant.

These amendments developed out of the Committee's ongoing review of the rules in general. When discussing the arrest warrant rules as part of the discussion about the use of advanced communications technology, several members questioned the meaning and use of the term "alias warrant" in Rules 514 and 517. Based upon a review of the origin of the term "alias warrant" and its usage in the rules, as explained below, the Committee concluded that the term should be eliminated as archaic from Rules 514 and 517, the only rules that use the term.

The term "alias," when used as an adjective to describe issued process such as a warrant, summons or writ, generally indicates process that is issued again after the first instrument has not been effective or has not resulted in action. This particular meaning is derived from the

<sup>1</sup> The Committee's Final Reports should not be confused with the official Committee Comments to the rules. Also note that the Supreme Court does not adopt the Committee's Comments or the contents of the Committee's explanatory Final Reports.

Latin phrase "sicut alias praecipimus" meaning "as we previously commanded." Specifically in Rule 514, "alias warrant" describes the situation in which a duplicate of a warrant is issued after the original warrant is served and executed but has failed to achieve its original purpose.

The use of "alias warrant" in Rule 514 has not changed since the Court originally adopted the rule in 1964. From our research into the term, the Committee concluded the term is archaic and has fallen out of usage. The members of the Committee also noted from their experience that the use of "alias warrant" in the rules is a source of confusion for members of the bench and bar. In view of these observations, the Committee evaluated the purpose of Rule 514(B) that provides:

After service and execution of an original or duplicate warrant, an alias warrant may be issued if the purpose for which the original or duplicate has been issued has not been accomplished,

and concluded the circumstances contemplated by Rule 514 may be more simply defined as a "reissuance" of the original or duplicate warrant.

Accordingly, Rule 514(B) is amended by deleting the term "alias warrant." Instead, in those circumstances in which a warrant has been served or executed but the purpose of the warrant has not been accomplished, the rule would provide that the court may reissue the original warrant. The amendment does not contemplate the need to file a new affidavit in such circumstances.

"Alias warrant" is used differently in Rule 517 than in Rule 514. Rule 517 describes the procedures for arrest warrants that are executed outside of the judicial district of issuance. The rule provides for an apprehended defendant to be brought before an issuing authority in the judicial district of arrest for the purpose of posting bail. The term "alias warrant" in Rule 517(E) describes the type of warrant that is issued when a defendant, subsequent to release on bail, fails to appear for preliminary arraignment in the judicial district of issuance.

Unlike the definition of "alias warrant" gleaned from historical references and provided in Rule 514, the original warrant in a Rule 517 context has been served and executed and the purpose for which the warrant originally had been issued was accomplished with the arrest of the defendant and the defendant's appearance before an issuing authority. Rule 517 contemplates that a preliminary arraignment will be scheduled and that the release on bail at the initial appearance is conditioned on the defendant's appearance. It is the failure to appear at the preliminary arraignment that triggers the issuance of the warrant. This situation is more akin to the issuance of a new warrant under Rule 536(A)(1)(b) for failure to appear.

The Committee reviewed the Rule 517 history and found that the use of the term "alias warrant" in Rule 517(E) has not changed since the rule's inception in 1964. We did not uncover any reason for the use of this term in the context contemplated by Rule 517. In view of the Committee's research into both Rules 514 and 517, Rule 517(E) is amended by the deletion of the term "alias warrant," and that "bench warrant" as described in Rule 536(A)(1)(b) is used in place of "alias warrant." This is a more accurate description and avoids the use of an archaic and obscure terminology.

The reasons for replacement of the term are further elaborated in the Comments to both Rules 514 and 517.

[Pa.B. Doc. No. 05-2012. Filed for public inspection November 4, 2005, 9:00 a.m.]

## Title 249—PHILADELPHIA RULES

### PHILADELPHIA COUNTY

Adoption of Philadelphia Civil Rule 1920.51(f)(3)(x) and (xi); President Judge General Court Regulation No. 2005-06

#### Order

*And Now*, this 14th day of October, 2005, the Board of Judges of Philadelphia County having voted at the Board of Judges' meeting held on September 22, 2005 to adopt Philadelphia Civil Rule 1920.51(f)(3)(x) and (xi), *It Is Hereby Ordered* that Philadelphia Civil Rule 1920.51(f)(3)(x) and (xi) is adopted as follows.

This General Court Regulation is issued in accordance with Pa.R.Civil.P. No. 239 and shall become effective [thirty (30) days after publication in the *Pennsylvania Bulletin*]. As required by Rule 239, the original General Court Regulation shall be filed with the Prothonotary in a Docket maintained for General Court Regulations issued by the President Judge of the Court of Common Pleas of Philadelphia County, and copies shall be submitted to the Civil Procedural Rules Committee, the Administrative Office of Pennsylvania Courts, and shall be posted on the website of the Unified Judicial System at: <http://ujportal.pacourts.us>. Copies of the Order shall also be submitted to American Lawyer Media, *The Legal Inteligencer*, Jenkins Memorial Law Library, and the Law Library for the First Judicial District of Pennsylvania, and posted on the website of the First Judicial District: <http://courts.phila.gov>.

*By the Court*

FREDERICA A. MASSIAH-JACKSON,  
*President Judge*

#### Philadelphia Rule of Civil Procedure

#### Family Court Division

#### Amendment to Local Rule 1920.51(f)(3)(x) and (xi)

#### Rule 1920.51 Hearing by the Court Appointment of Master. Notice of Hearing

(f)(3)(x) Either party may within [ **ten (10) days** ] **Twenty (20) days** after the mailing date of the Master's report and proposed Order, file with the [ **Prothonotary** ] **Clerk of Family Court** a praecipe for trial de novo by a Judge, and shall forthwith serve time-stamped copies thereof on the opposing counsel of record or unrepresented party, [ **the Clerk of Family Court,** ] and the Permanent Master. The case thereafter shall be listed before a Judge for a full evidentiary hearing.

(f)(3)(xi) In the event there is no demand for a trial filed within [ **ten (10) days** ] **Twenty (20) days** following mailing of the report and proposed Order of the Permanent Master, such report and proposed Order shall be submitted to the Court for approval and entry of a Decree.

[Pa.B. Doc. No. 05-2013. Filed for public inspection November 4, 2005, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### CARBON COUNTY

Arrest Procedures in Delinquency Cases—Designation of Issuing Authorities; No. AD 2-2005

#### Administrative Order No. 15-2005

*And Now*, this 19th day of October, 2005, in compliance with Pennsylvania Rule of Juvenile Court Procedure 210 (A) regarding arrest warrant applications for juveniles in delinquency matters, it is hereby

*Ordered and Decreed* that, effective immediately, the following are designated as issuing authorities for arrest warrants for juveniles in delinquency cases:

1. Any judge of the Court of Common Pleas of Carbon County—Fifty-Sixth Judicial District; and
2. Any magisterial district judge of Carbon County—Fifty-Sixth Judicial District.

*It is Further Ordered and Decreed* that when the Carbon County Courthouse is closed, applications under Rule 210 shall be submitted to the "on-duty" magisterial district judge.

The Carbon County District Court Administrator is *Ordered and Directed* to do the following:

1. File seven (7) certified copies of this Administrative Order with the Administrative Office of Pennsylvania Courts.
2. File two (2) certified copies and one (1) diskette with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
3. File one (1) certified copy with the Pennsylvania Juvenile Court Procedural Rules Committee.
4. Forward one (1) copy for publication in the *Carbon County Law Journal*.
5. Forward one (1) copy to the Carbon County Law Library.
6. Keep continuously available for public inspection copies of this Administrative Order in the Juvenile Court's Office.

*By the Court*

ROGER N. NANOVIC,  
*President Judge*

[Pa.B. Doc. No. 05-2014. Filed for public inspection November 4, 2005, 9:00 a.m.]

## YORK COUNTY

**In the Matter of the Designation of Duty Magisterial District Judges as an Issuing Authority for Juvenile Warrants after Hours; No. CP-67-AD-32-2005**

**Administrative Order**

Pursuant to Rule 210 of the Pennsylvania Rules of Juvenile Procedure, the President Judge shall ensure twenty-four (24) hour availability of a designated issuing authority.

*Accordingly*, the undersigned as President Judge and on behalf of the 19th Judicial District of York County does hereby designate the duty Magisterial District Justices to receive and issue arrest warrants upon probable cause supported by one or more affidavits sworn to before the issuing authority after normal business hours. Said duty Magisterial District Judge shall further adhere to the secure document management system adopted by Court Administration to assure the confidentiality requirements as exist under the Juvenile Act.

*It Is Further Ordered* that in accordance with Pa.R.C.P. 239 the District Court Administrator shall:

(a) File 7 certified copies hereof with the Administrative Office of Pennsylvania Courts.

(b) Distribute 2 certified copies hereof to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

(c) File 1 certified copy hereof with the Juvenile Rules Committee.

(d) Cause a copy hereof to be published one time in the *York Legal Record* at the expense of the County of York.

(e) Supervise the distribution thereof to all Judges and all members of the Bar of this Court.

It is further *Ordered* that copies of this Order are directed to: The Court of Common Pleas; Magisterial District Judges; Court Administration, attn: J. Robert Chuk, District Court Administrator; York County District Attorney's Office; York County Public Defender's Office; and the York County Juvenile Probation Department.

*By the Court*

JOHN H. CHRONISTER,  
*President Judge*

[Pa.B. Doc. No. 05-2015. Filed for public inspection November 4, 2005, 9:00 a.m.]

## DISCIPLINARY BOARD OF THE SUPREME COURT

### Notice of Suspension

Notice is hereby given that Alexander B. Dranov having been suspended from the practice of law in the State of New Jersey for a period of three months by Order of the Supreme Court of New Jersey dated May 11, 2005, the Supreme Court of Pennsylvania issued an Order dated October 24, 2005, suspending Alexander B. Dranov from the practice of law in this Commonwealth for a period of three months, consecutive to the suspension ordered on October 15, 2004. In accordance with Rule 217(f),

Pa.R.D.E., since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

ELAINE M. BIXLER,  
*Secretary,*  
*The Disciplinary Board of the*  
*Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 05-2016. Filed for public inspection November 4, 2005, 9:00 a.m.]

## ORPHANS' COURT PROCEDURAL RULES COMMITTEE

### Proposed Electronic Forms

The Orphans' Court Procedural Rules Committee is re-publishing the following forms in electronic format ("e-forms"). The Committee proposes to recommend these forms to the Supreme Court of Pennsylvania for adoption so that they can be used before the Orphans' Court Divisions and Registers of Wills of this Commonwealth. The Committee has revised several of the forms in response to the comments received from the bench and bar after their original publication on June 18, 2005. In addition, there are two new forms which have been added—a Petition for Adjudication in a Minor's Estate and an Inventory for Incapacitated Persons and Minors.

The Orphans' Court Procedural Rules Committee proposes to recommend adoption of the Orphans' Court e-forms to promote uniformity and standardize the content of pleadings and forms in use across the state without supplanting local forms. The Committee believes that the use of these forms will promote judicial economy and improve accessibility to the Orphans' Courts of this Commonwealth. The Register's forms vary only slightly from previously approved printed forms.

The draft statewide e-forms are posted on the website of the Administrative Office of Pennsylvania Courts ("AOPC") at the following internet address: [www.aopc.org/index/supctcmtes/orphctrules/eforms.asp](http://www.aopc.org/index/supctcmtes/orphctrules/eforms.asp), from which the forms can be downloaded and copies can be printed. Hard copies of the forms can also be obtained upon request by contacting the Committee.

The following draft statewide e-forms are submitted for comment:

#### *Administration—Audit Forms*

Petition for Adjudication—Decedent's Estate  
Petition for Adjudication—Trust Estate  
Petition for Adjudication—Guardian of Estate of Incapacitated Person  
Petition for Adjudication—Guardian of Estate of Minor  
Petition for Adjudication—Principal's Estate under Power of Attorney  
Charitable Gift Notice  
Notice of Claim

#### *Guardianship Forms*

Annual Report of Guardian of the Estate  
Annual Report of Guardian of the Person  
Inventory—For Incapacitate or Minor's Estate

*Forms for Register of Wills*

Estate Information Sheet  
Petition for Probate  
Oath of Subscribing Witness  
Oath of Non-Subscribing Witness  
Renunciation  
Rule 5.6 Notice  
Rule 5.7 Certification of Rule 5.6 Notice  
Inventory  
Rule 6.12 Status Report

The Committee solicits input from attorneys, judges and court administrators as to both the form and substance of these draft e-forms. All communications in reference to the proposed e-forms should be sent, no later than December 6, 2005, to the following address:

Dean R. Phillips, Chief Counsel  
Rebecca M. Darr, Deputy Counsel  
Orphans' Court Procedural Rules Committee  
5035 Ritter Road, Suite 700  
Mechanicsburg, PA 17055

Or via e-mail to:  
orphanrules@pacourts.us

MARY JANE BARRETT,  
*Chair*

[Pa.B. Doc. No. 05-2017. Filed for public inspection November 4, 2005, 9:00 a.m.]