

THE COURTS

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CHS. 200]

Amendment to the Note to Rule 236(d) Governing Notice by Prothonotary of Order or Judgment; No. 457 Civil Procedural Rules; Doc. No. 5

Order

Per Curiam:

And Now, this 12th day of June, 2006, the note to Pennsylvania Rule of Civil Procedure 236(d) is amended to read as follows.

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

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 200. BUSINESS OF COURTS

Rule 236. Notice by Prothonotary of Entry of Order or Judgment

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(d) The prothonotary may give the notice required by subdivision (a) or notice of other matters by facsimile transmission or other electronic means if the party to whom the notice is to be given or the party's attorney has filed a written request for such method of notification or has included a facsimile or other electronic address on a prior legal paper filed in the action.

Official Note: Except as provided by subdivision (a)(1) relating to the entry of a judgment by confession, Rule 236 does not prescribe a particular method of giving notice. **Methods of notice properly used by the prothonotary include, but are not limited to, service via United States mail and courthouse mail.** Subdivision (d) governs facsimile transmission and other electronic means if the prothonotary chooses to use such a method.

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Explanatory Comment

Rule 236 governs the notice to be given by the prothonotary of the entry of an order or judgment. The amendment to the first paragraph of the note to subdivision (d) of the rule arises from a suggestion that Rule 236 specifically provide for notice by courthouse mail, i.e., placing a copy of the order in the attorney's courthouse mailbox.

Except with respect to subdivision (a)(1) which provides for notice by "ordinary mail" of the entry of a judgment by confession, the rule "does not prescribe a particular method of giving notice." Subdivision (d) relating to notice by facsimile transmission is applicable only if the prothonotary chooses that method of notice.

Since the rule does not prescribe a particular means of notice except as to judgments entered by confession, the rule already accommodates notice by courthouse mail.

The proposed revision to the first paragraph of the note to subdivision (d) expressly states the existing availability of courthouse mail as a method of giving notice. The revision effects no change in practice or procedure.

By the Civil Procedural Rules Committee

R. STANTON WETTICK, Jr.,
Chair

[Pa.B. Doc. No. 06-1155. Filed for public inspection June 23, 2006, 9:00 a.m.]

Title 234—RULES OF CRIMINAL PROCEDURE

[234 PA. CODE CH. 2]

Order Amending Rule 241; No. 346 Criminal Proce- dural Rules; Doc. No. 2

Order

Per Curiam:

And Now, this 7th day of June, 2006, the proposal having been submitted without publication pursuant to Pa.R.J.A. 103(a)(3) in the interests of justice and efficient administration, *It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule of Criminal Procedure 241 is amended in the following form.

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

Annex A

TITLE 234. RULES OF CRIMINAL PROCEDURE

CHAPTER 2. INVESTIGATIONS

PART B(2). Statewide or Regional Investigating Grand Juries

Rule 241. Summoning Jurors for Statewide or Re- gional Investigating Grand Juries

(A) Grand Jury Having Statewide Jurisdiction:

(1) Upon receipt of an application to convene an investigating grand jury having statewide jurisdiction, the Court shall cause the Court Administrator of Pennsylvania to draw 6 counties at random from the [**statewide pool of 67 counties**] **district where the grand jury will be located**, which are to be weighted on the basis of their approximate relative populations. The 6 counties so drawn plus the county or counties to be designated as locations of the investigating grand jury, shall together supply jurors for the investigating grand jury. The Court Administrator of Pennsylvania shall establish the number of names of persons to be forwarded from each county, as provided in (A)(2), based on the approximate relative populations of the respective counties involved. The Court Administrator of Pennsylvania shall then submit this information to the Court.

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(C) Definitions:

(1) "District" means the Eastern District, Middle District, and Western District.

(2) "Eastern District" consists of Berks, Bucks, Carbon, Chester, Delaware, Lackawanna, Lehigh, Luzerne, Monroe, Montgomery, Northampton, Philadelphia, Pike, Susquehanna, Wayne, and Wyoming counties.

(3) "Middle District" consists of Adams, Bradford, Cameron, Centre, Clinton, Columbia, Cumberland, Dauphin, Franklin, Fulton, Huntingdon, Juniata, Lancaster, Lebanon, Lycoming, Mifflin, Montour, Northumberland, Perry, Potter, Schuylkill, Snyder, Sullivan, Tioga, Union, and York counties.

(4) "Western District" consists of Allegheny, Armstrong, Beaver, Bedford, Blair, Butler, Cambria, Clarion, Clearfield, Crawford, Elk, Erie, Fayette, Forest, Greene, Indiana, Jefferson, Lawrence, McKean, Mercer, Somerset, Venango, Warren, Washington, and Westmoreland counties.

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[Pa.B. Doc. No. 06-1156. Filed for public inspection June 23, 2006, 9:00 a.m.]

Title 255—LOCAL COURT RULES

FRANKLIN AND FULTON COUNTIES

Adoption of Local Rule of Criminal Procedure
39—708; Administration Doc. No. CP-28-AD-2-
2006

Order of Court

May 31, 2006, the following Criminal Action Rule is adopted for the Court of Common Pleas of the 39th Judicial District of Pennsylvania, Franklin and Fulton County Branches: Rule 39—708, to be effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

By the Court

JOHN R. WALKER,
President Judge

Rule 39—708 Rules and Special Conditions for Probation and Parole Supervision and Procedures for Adding Special Conditions by the Probation Department Subsequent to Sentencing.

(A) The Franklin and Fulton County Probation Departments are directed and authorized to implement the following Rules and Conditions which have been approved by the Court for probation and parole supervision and which shall be standard Rules of Supervision applicable to all offenders placed under the supervision of the respective County Adult Probation Departments:

1. Rules and Special Conditions for General Supervision.

2. Rules and Conditions for House Arrest/Electronic Monitoring and Intense Supervision.

3. Rules and Conditions for the Pre-Trial Release Program which shall comply with the conditions of Pennsylvania Rules of Criminal Procedure 520 et seq.

4. Rules and Conditions for the Pre-Release Program.

Each Probation Department will be required to maintain all of the above Rules for Probation and Parole Supervision on file at the Probation Department.

From time to time the Chief Adult Probation Officer will review the Rules and Conditions and make recommendations to the Court for any updates and modifications.

Such modifications and updates must be approved by the Court. The Rules and Conditions currently in effect must be available for inspection and copying by probationers and parolees, their counsel and for any other interested parties, including the public, in general. The Probation Department is responsible for insuring that any modifications or updates approved by the Court are immediately included in the Probation Department's file of Rules and Conditions.

(B) Probationers and parolees placed under the supervision of either Franklin or Fulton County Adult Probation Department shall be subject to the Conditions of Supervision approved by the Court as described above, as well as any Special Conditions imposed by the Court at the time of sentencing or by Order of Court thereafter.

Probationers and parolees shall be subject to any Special Conditions of supervision relating to the protection of society and/or the likelihood of the defendant's success in rehabilitation and/or living as a law-abiding citizen. In the event it is necessary to add or modify Special Conditions of probation/parole subsequent to the imposition of sentence, the conditions must be approved by the Court and an appropriate Order must be entered.

Each Probation Department must provide notice to all interested parties and an opportunity to be heard unless a voluntary Waiver of these rights is obtained from the probation/parolee.

In the event Special Conditions of supervision must be added by either the Franklin or Fulton County Adult Probation Department after the imposition of sentence, the probation officer must obtain the approval of the sentencing judge. The probation/parole officer will complete the Special Conditions of Supervision Form, which notifies the defendant, in writing, of the Special Condition(s) being imposed and the reasons for imposing the conditions. The defendant may agree to the additional conditions and sign a Waiver of his right to a hearing before the Court prior to the imposition of the new conditions. In the event the defendant does not agree to the addition of Special Condition(s) after sentencing, the Probation Department will schedule the matter for a hearing before the Court and provide notice thereof to the defendant. The Special Conditions of Supervision Form must be signed by the supervising officer, a supervisor or the Chief Adult Probation Officer, in addition to the defendant. The completed form will be sent to the Sentencing Judge for review. If approved by the Judge, the Order of Court imposing the Special Condition(s) will be signed and filed with the Clerk of Courts.

[Pa.B. Doc. No. 06-1157. Filed for public inspection June 23, 2006, 9:00 a.m.]