

THE COURTS

Title 246—MINOR COURT CIVIL RULES

PART I. GENERAL

[246 PA. CODE CH. 100]

Order Amending Rule 112 of the Rules of Conduct, Office Standards and Civil Procedure for Magisterial District Judges; No. 236 Magisterial Doc. No. 1

Order

Per Curiam:

And Now, this 18th day of April, 2007, upon the recommendation of the Minor Court Rules Committee; the proposal having been published before adoption at Volume 35, *Pennsylvania Bulletin*, page 4306 (August 6, 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 Rule 112 of the Rules of Conduct, Office Standards and Civil Procedure for Magisterial District Judges be, and hereby is, amended in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective May 18, 2007.

Mr. Justice Fitzgerald did not participate in the consideration or decision of this matter.

Annex A

TITLE 246. MINOR COURT CIVIL RULES

PART I. GENERAL

CHAPTER 100. RULES AND STANDARDS WITH RESPECT TO OFFICES OF MAGISTERIAL DISTRICT JUDGES

Rule 112. **Availability and Temporary Assignments of Magisterial District Judges.**

[A. The president judge of the court of common pleas of a judicial district, or in his or her absence the available judge of that court longest in continuous service, may assign temporarily the magisterial district judge of any magisterial district to any other magisterial district or the Pittsburgh Magistrates Court or the Traffic Court of Philadelphia whenever such an assignment is required for the efficient administration of justice.] (A) The president judge of each judicial district shall be responsible for ensuring the availability during regular business hours within the judicial district of at least one magisterial district judge to handle matters requiring attention in civil and possessory actions.

(B)(1) The president judge or his or her designee may assign temporarily the magisterial district judge of any magisterial district to serve another magisterial district whenever such assignment is needed:

(a) To satisfy the requirements of paragraph (A).

(b) When a magisterial district judge has disqualified himself or herself either at the request of a party or *sua sponte*.

(c) To otherwise provide for the efficient administration of justice.

(2) Whenever a temporary assignment is made under this rule, notice of such assignment shall be conspicuously posted in all magisterial district courts affected by the temporary assignment.

[B.] (3) A magisterial district judge temporarily assigned under [subdivision A of] this rule shall have the jurisdiction and authority of the office the duties of which he or she is temporarily performing and may continue to exercise jurisdiction and authority [to] in his or her own magisterial district.

Official Note: This rule was amended in 2007 to further provide for availability and temporary assignment of magisterial district judges in civil and possessory actions similar to that provided for in criminal matters. See Pa.R.Crim.P. 117. Nothing in this rule is intended to affect or conflict with the temporary assignment or coverage requirements for criminal matters as specified in the Rules of Criminal Procedure. Unlike the criminal coverage rules, paragraph (A) of this rule is intended to provide for availability only during regular business hours. None of the matters contemplated under paragraph (A) would require after-hours coverage.

This rule is not intended to affect the availability requirements for emergency relief under the Protection From Abuse Act. See Pa. R.C.P.M.D.J. Nos. 1201—1211. In addition, the court of common pleas of each judicial district is responsible to ensure that a judge or magisterial district judge “is available on a 24-hour-a-day, 365-day-a-year basis to accept and decide on petitions for an emergency court order under” the Older Adult Protective Services Act. 35 P.S. § 10225.307. Actions commenced under the Older Adult Protective Services Act are governed by statute and local procedures, not by these rules.

Examples of matters contemplated under paragraph (A) that may require the attention of a magisterial district judge include the issuance of orders of execution under Pa. R.C.P.M.D.J. No. 403, stays of execution under Pa. R.C.P.M.D.J. Nos. 410 and 413, and orders for possession under Pa. R.C.P.M.D.J. No. 516, so that such matters are handled in a timely manner even in the absence of the magisterial district judge to whom the case would ordinarily be assigned. Litigants may be required to wait a reasonable period of time for a magisterial district judge to complete an arraignment, hearing, or trial. It is expected that the president judge will continue the established procedures in the judicial district or establish new procedures to ensure sufficient availability of magisterial district judges consistent with paragraph (A).

Under paragraph (B), one or more magisterial district judges may be temporarily assigned to serve one or more magisterial districts.

Paragraph (B)(1)(b) makes explicit the authority of the president judge to temporarily assign a magisterial district judge when another magisterial district judge has disqualified himself or herself from hearing a matter. Disqualification may occur upon the request of a party or sua sponte. See Rule 8 of the Standards of Conduct of Magisterial District Judges, 207 Pa. Code Ch. 51, R. 8. As with all judicial officers, a request for disqualification must be made directly to the magisterial district judge.

See Pa. Const. art. V, § 10(a). This rule does not provide for temporary assignments of senior magisterial district judges by president judges. See also [Pa.Rs.Crim.P. 132 and 133] Rule 17 of the Standards of Conduct of Magisterial District Judges, 207 Pa. Code Ch. 51, R. 17. Nothing in this rule is intended to conflict with Rule 17.

FINAL REPORT¹

Amendment to Rule 112 of the Rules of Conduct, Office Standards and Civil Procedure for Magisterial District Judges

Availability and Temporary Assignment of Magisterial District Judges in Civil and Possessory Actions

On April 18, 2007, effective May 18, 2007, upon recommendation of the Minor Court Rules Committee,² the Supreme Court of Pennsylvania amended Rule 112 of the Rules of Conduct, Office Standards and Civil Procedure for Magisterial District Judges.³

I. Background

The Minor Court Rules Committee (the Committee) undertook a review of Rule 112 (Temporary Assignments of Magisterial District Judges) at the direction of the Supreme Court of Pennsylvania and in response to a recommendation of the Special Courts Administration Subcommittee of the Supreme Court's Intergovernmental Task Force to Study the District Justice System (the Task Force Subcommittee).⁴ In its report to the Supreme Court, the Task Force Subcommittee recommended that the rules of civil procedure for magisterial district courts provide for the "continuous availability, during regular business hours, of at least one [magisterial] district [judge] in the judicial district to handle routine civil matters, such as the issuance of orders of execution or orders for possession, so that such matters are handled in a timely manner even in the absence of the proper issuing authority."⁵ In response to this recommendation, the Supreme Court referred the matter to the Committee for its consideration, and the Committee recommended that Rule 112 be amended as explained below.

II. Discussion and Rule Changes

In its report to the Supreme Court, the Task Force Subcommittee noted that "while the continuous availability of at least one [magisterial] district [judge] in each

judicial district is required by Pa.R.Crim.P. 132,⁶ no similar rule existed requiring availability of a [magisterial] district [judge] to handle routine civil matters in the absence of the [judge] who would normally be required to handle the matters. The [Task Force] Subcommittee was informed that parties in civil and landlord/tenant actions, particularly judgment holders, are often frustrated by delays in the issuance of judgments, orders of execution, or orders for possession when the proper issuing authority is unavailable because of vacation, illness, attendance at mandatory continuing education classes, etc."⁷ The Committee generally agreed with the recommendation of the Task Force Subcommittee, noting that the rights of parties can be adversely affected when a magisterial district judge is not available to sign and issue time sensitive documents in civil and possessory matters.⁸

A. Availability

A new paragraph (A) addresses the availability issue raised in the Task Force Report. Paragraph (A) requires that the president judge of each judicial district ensure the availability during regular business hours of at least one magisterial district judge to handle routine matters in civil and possessory matters that may require the attention of a judge. The expanded Official Note to the rule provides extensive explanation of new paragraph (A). The note compares these availability provisions with the coverage provisions in the Rules of Criminal Procedure, stressing that the civil availability provisions in Rule 112 are intended to apply only during regular business hours. The note also makes clear that the civil availability provisions are not intended to affect the criminal coverage requirements or the coverage requirements for the issuance of emergency relief under the Protection From Abuse Act.⁹ In addition, the note cross-references the Older Adult Protective Services Act¹⁰ to put president judges and magisterial district judges on notice of the after-hours availability requirements of that Act.¹¹

The note provides three examples of matters contemplated under paragraph (A) that may require the attention of a judge—the issuance of orders of execution under Pa. R.C.P.M.D.J. No. 403, stays of execution under Pa. R.C.P.M.D.J. Nos. 410 and 413, and orders for possession under Pa. R.C.P.M.D.J. No. 516—so that such matters are handled in a timely manner even in the absence of the magisterial district judge to whom the case would ordinarily be assigned. In addition, the note adds that litigants may be required to wait "a reasonable period of time" in order for a magisterial district judge to finish up a court proceeding in progress. Finally, recognizing that many judicial districts may already have in place sufficient systems to provide the coverage required by this paragraph, the note provides that the president judge may continue the established procedures in the judicial district or establish new procedures as needed.

B. Temporary Assignment

A new paragraph (B) provides for and expands upon the provisions of existing paragraph A. New paragraph (B)(1)

¹ The Committee's Final Report should not be confused with the Official Notes to the Rules. Also, the Supreme Court of Pennsylvania does not adopt the Committee's Official Notes or the contents of the explanatory Final Report.

² Recommendation No. 3 Minor Court Rules 2006.

³ Supreme Court of Pennsylvania Order No. 236, Magisterial Docket No. 1 (April 18, 2007).

⁴ The Intergovernmental Task Force to Study the District Justice System was convened on May 30, 2001 "to examine the current state of the district justice court system" and to "propose clear standards for the decennial magisterial district reestablishment, identify immediate and long-term system problems and needs, and formulate solutions to ensure the prudent and effective administration of the district justice courts." Report of the Intergovernmental Task Force to Study the District Justice System vii (October 2001) (available online at <http://www.courts.state.pa.us/>) (hereinafter Task Force Report).

⁵ Id. at 49.

⁶ The after-hours coverage provisions of Pa.R.Crim.P. 132 were removed and such matters are now governed by Pa.R.Crim.P. 117, effective August 1, 2006. See 35 Pa.B. 3901 (July 16, 2005).

⁷ Task Force Report at 49-50.

⁸ The Committee noted that there are many legitimate reasons why a magisterial district judge may be unavailable to sign and issue time sensitive documents. The Task Force Report lists three reasons—"vacation, illness, attendance at mandatory continuing education classes." Others may include official court-related meetings and absences due to after-hours coverage duty.

⁹ 23 Pa.C.S. §§ 6101–6118. See *supra*, note 3 and Pa. R.C.P.M.D.J. Nos. 1201–1211.

¹⁰ Act of Nov. 6, 1987, P.L. 381, No. 79 as amended (35 P.S. §§ 10225.101–10225.5102).

¹¹ See Recommendation 1 Minor Court Rules 2006 (May 8, 2006) and its accompanying explanatory Report, n.8.

provides that the president judge or his or her designee may temporarily assign a magisterial district judge to satisfy the requirements of new paragraph (A), when a magisterial district judge disqualifies himself or herself from hearing a matter, or to otherwise provide for the efficient administration of justice. The references in the existing rule to temporary assignments to the Pittsburgh Magistrates Court and the Traffic Court of Philadelphia have been deleted.¹² New paragraph (B)(2) requires that notice of temporary assignments of magisterial district judges be posted in all magisterial district courts affected by the temporary assignment.

New paragraph (B)(3) contains the provisions of existing paragraph B with only minor editorial changes.

The expanded Official Note to the rule also provides explanation of paragraph (B). Among other things, the note makes clear that a magisterial district judge may disqualify himself or herself from a matter at the request of a party or sua sponte, as is often the case in these matters. The note also makes clear that, as with all judicial officers, a request for disqualification must be made directly to the magisterial district judge.

C. Minor Technical Amendments

In addition to the substantive amendments discussed above, a cross reference to Rule 17 of the Standards of Conduct of Magisterial District Judges is included in the Official Note, along with a statement clarifying that nothing in Rule 112 is intended to conflict with Rule 17. Rule 17 sets forth the president judges' general supervisory authority of the magisterial district courts in the judicial district. Finally, in order to properly describe the expanded content of the rule, the title of the rule has been changed to "Availability and Temporary Assignments of Magisterial District Judges."

[Pa.B. Doc. No. 07-774. Filed for public inspection May 4, 2007, 9:00 a.m.]

Title 255—LOCAL COURT RULES

JEFFERSON COUNTY

Adoption of Local Rule of Criminal Procedure; No. 10-2007 O.C.

Order

And Now, this 16th day of April 2007, pursuant to Pa.R.Crim.P. 105, governing the establishment of local rules of criminal procedure, it is hereby *Ordered and Decreed* that the following rule, designated Jefferson County Rule of Criminal Procedure (Jeff. Co. R.Crim.P.) 513.1, is adopted as a rule of this Court. The same shall be effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

¹² The former Pittsburgh Magistrates Court has been transitioned into the magisterial district court system, and the president judge of the Fifth Judicial District (Allegheny County) has authority to assign magisterial district judges to hear cases that would formerly be heard in the Pittsburgh Magistrates Court and the Pittsburgh Housing Court. Supreme Court of Pennsylvania Order No. 212, Magisterial Docket No. 1 (November 29, 2004) (34 Pa.B. 6507) and Supreme Court of Pennsylvania Order No. 215, Magisterial Docket No. 1 (February 25, 2005) (35 Pa.B. 1662). Temporary assignments of magisterial district judges to the Traffic Court of Philadelphia are accomplished by order of the Supreme Court of Pennsylvania and coordinated by the Administrative Office of Pennsylvania Courts. Accordingly, Rule 112 need not specifically refer to either court.

LOCAL RULES of the COURT OF COMMON PLEAS OF JEFFERSON COUNTY

Supplementing the PENNSYLVANIA RULES OF CRIMINAL PROCEDURE

Jeff. Co. R.Crim.P. 513.1 Costs for Miscellaneous Issuances: Arrest Warrants

Pursuant to 42 Pa.C.S.A. 1725.1(c)(5) and retroactive to January 1, 2004, the magisterial district judges of Jefferson County are authorized to impose a miscellaneous issuance (C17) cost on all arrest warrants issued. Said cost shall be in compliance with the fee schedule published by the Administrative Office of Pennsylvania Courts.

By the Court

JOHN HENRY FORADORA,
President Judge

[Pa.B. Doc. No. 07-775. Filed for public inspection May 4, 2007, 9:00 a.m.]

PIKE COUNTY

Amendment to Civil Local Rule 1915; No. 613-2007-Civil

Order

And Now, this 16th day of April, 2007, the Court *Orders* the following:

1. Local Rule of Civil Procedure 1951 is hereby amended effective thirty (30) days after publication in the *Pennsylvania Bulletin*;

2. The Court Administrator of the 60th Judicial District is hereby *Ordered* to do the following:

a. File seven (7) certified copies of this *Order* and the pertinent Rules with the Administrative Office of Pennsylvania Courts;

b. File two (2) certified copies and a computer diskette containing this *Order* and the pertinent Rule with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;

c. File one (1) certified copy of this *Order* and the pertinent Rule with the Civil Procedural Rules Committee;

d. Provide one (1) copy of this *Order* and the Local Rule to each member of the Pike County Bar Association who maintains an active practice in Pike County; and

e. Keep continuously available for public inspection, copies of this *Order* and the Local Rules.

By the Court

JOSEPH F. KAMEEN,
President Judge

LOCAL RULE L.195—CIVIL CUSTODY, PARTIAL CUSTODY and VISITATION

F. In the event no agreement is reached at the mediation, the Court shall appoint a Hearing Officer to conduct a hearing, which shall be recorded. The Hearing Officer shall file a Report and Recommendation and proposed Order with fifteen (15) days upon which the trial is concluded, unless extended by Court Order, for good cause

shown. The Hearing Officer shall send a copy of the Report and Recommendation and proposed Order to each party or their counsel. If no Exceptions are filed within **twenty (20) days** of the **mailing** of the report, the Prothonotary shall transmit the file for Court approval.

G. Exceptions to the Hearing Officer's Report and Recommendation, and proposed Order, shall be in writing, and shall be filed with the Prothonotary, within **twenty (20) days of the date of the mailing** of the Hearing Officer's Report. Upon the filing of Exceptions, the Prothonotary shall schedule the matter for argument on the next available argument date. A copy of the Exceptions shall be delivered to the Hearing Officer, and opposing counsel. All costs associated with the filing of Exceptions, including transcription costs, shall be borne by the party filing same.

[Pa.B. Doc. No. 07-776. Filed for public inspection May 4, 2007, 9:00 a.m.]

PIKE COUNTY

Promulgation of Criminal Local Rule 590; No. Civil-627-2007; MD-58-2007

Order

And Now, this 17th day of April, 2007, the Court *Orders* the following:

1. Local Rule of Criminal Procedure 590 is hereby adopted effective thirty (30) days after publication in the *Pennsylvania Bulletin*;

2. The Court Administrator of the 60th Judicial District is hereby *Ordered* to do the following:

a. File seven (7) certified copies of this *Order* and the pertinent Rules with the Administrative Office of Pennsylvania Courts;

b. File two (2) certified copies and a computer diskette containing this *Order* and the pertinent Rule with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;

c. File one (1) certified copy of this *Order* and the pertinent Rule with the Civil Procedural Committee;

d. Provide one (1) copy of this *Order* and the Local Rule to each member of the Pike County Bar Association who maintain an active practice in Pike County; and

e. Keep continuously available for public inspection, copies of this *Order* and the Local Rules.

By the Court

JOSEPH F. KAMEEN,
President Judge

Local Rule 590—Pleas and Plea Agreements

A. Generally

1. A plea shall be taken in open court.

2. A defendant may plea, guilty, not guilty, or, with the consent of the Judge, nolo contendere. If the defendant refuses to plea, the Judge shall enter a plea of not guilty on the defendant's behalf.

3. The Judge may refuse to accept a plea of guilty or nolo contendere, and shall not accept it unless the judge determines, after inquiry of the defendant, that the plea is voluntary, and understandingly tendered. Such inquiry shall appear on the record.

a. During the course of counseling a defendant relative to any plea of guilty or nolo contendere in the Court of Common Pleas, counsel shall review with the defendant a Pike County guilty plea colloquy form available from the Office of the District Attorney, and shall explain to the defendant the contents of that form.

b. Such forms shall be initialed and signed where appropriate and counsel's signature thereon shall constitute a certification by the attorney that he has read, discussed and explained the plea form with the client, and that to the best of his knowledge, information and belief, his client understands the guilty plea colloquy and accepts the terms of the plea agreement if any.

c. Guilty plea colloquy forms shall be filed in open Court at the time of entry of any plea of guilty or nolo contendere.

d. For pleas to a summary offense, the plea form need only consist of the disposition page, and need only state the offenses to which the defendant is pleading and any terms of a plea agreement.

B. Plea Agreements

1. When counsel for both sides have arrived at a plea agreement, they shall state on the record in open court, in the presence of the defendant, the terms of the agreement, unless the judge orders, for good cause shown and with the consent of the defendant, counsel for the defendant, and attorney for the commonwealth, that specific conditions in the agreement be placed on the record in camera and the record be sealed.

a. All plea agreements are to be in writing, on Pike County guilty plea colloquy forms. The colloquy forms are to be signed by the defendant, defense counsel, and the attorney representing the Commonwealth.

b. The attorney representing the Commonwealth at the time the plea is entered shall be familiar with the case, and, if requested, shall advise the court of any prior convictions of the defendant for felonies and misdemeanors of which Counsel has knowledge.

3. The Judge shall conduct a separate inquiry of the defendant on the record to determine whether the defendant understands and voluntarily accepts the terms of the plea agreement on which the guilty plea or the plea of nolo contendere is based.

C. Murder Cases

1. In cases in which the imposition of a sentence of death is not authorized, when a defendant enters a plea of guilty or nolo contendere to a charge of murder generally, the judge before whom the guilty plea was entered shall alone determine the degree of guilt.

[Pa.B. Doc. No. 07-777. Filed for public inspection May 4, 2007, 9:00 a.m.]

PIKE COUNTY

Promulgation of Criminal Local Rule 700; No. 615-2007-Civil; No. 55-2007-M. D.

Order

And Now, this 16th day of April, 2007, the Court *Orders* the following:

1. Local Rule of Criminal Procedure 700 is hereby adopted effective thirty (30) days after publication in the *Pennsylvania Bulletin*;

2. The Court Administrator of the 60th Judicial District is hereby *Ordered* to do the following:

a. File seven (7) certified copies of this *Order* and the pertinent Rules with the Administrative Office of Pennsylvania Courts;

b. File two (2) certified copies and a computer diskette containing this *Order* and the pertinent Rule with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;

c. File one (1) certified copy of this *Order* and the pertinent Rule with the Civil Procedural Committee;

d. Provide one (1) copy of this *Order* and the Local Rule to each member of the Pike County Bar Association who maintain an active practice in Pike County; and

e. Keep continuously available for public inspection, copies of this *Order* and the Local Rules.

By the Court

JOSEPH F. KAMEEN,
President Judge

Local Rule 700—Sentencing Judge

A. A sentence on a plea of guilty or nolo contendere may be imposed by a Judge other than the Judge who received the plea of guilty or nolo contendere, provided the Defendant has been so notified at the time of entering the plea.

[Pa.B. Doc. No. 07-778. Filed for public inspection May 4, 2007, 9:00 a.m.]

PIKE COUNTY

Promulgation of Criminal Local Rule 702; No. 616-2007-Civil; 54-2007-M. D.

Order

And Now, this 16th day of April, 2007, the Court *Orders* the following:

1. Local Rule of Criminal Procedure 702 is hereby adopted effective thirty (30) days after publication in the *Pennsylvania Bulletin*;

2. The Court Administrator of the 60th Judicial District is hereby *Ordered* to do the following:

a. File seven (7) certified copies of this *Order* and the pertinent Rules with the Administrative Office of Pennsylvania Courts;

b. File two (2) certified copies and a computer diskette containing this *Order* and the pertinent Rule with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;

c. File one (1) certified copy of this *Order* and the pertinent Rule with the Civil Procedural Committee;

d. Provide one (1) copy of this *Order* and the Local Rule to each member of the Pike County Bar Association who maintain an active practice in Pike County; and

e. Keep continuously available for public inspection, copies of this *Order* and the Local Rules.

By the Court

JOSEPH F. KAMEEN,
President Judge

Local Rule 702—Aids in Imposing Sentence

A. Pre-Sentence Investigation Reports:

1. The sentencing judge may, at the judge's discretion, order a pre-sentence report in any case.

a. The pre-sentence investigation report shall prepared immediately and be no more than ninety (90) days and no less than forty-five (45) days from the date of the finding of guilt.

b. If a pre-sentence report is ordered, defendant is to report to the probation office within twenty-four (24) hours of the finding of guilt to schedule a meeting with the probation officer preparing the report.

2. The sentencing judge shall place on the record the reasons for dispensing with the pre-sentence investigation report if the judge fails to order a pre-sentence report in any of the following instances:

a. When incarceration for one year or more is a possible disposition under the applicable sentencing statutes;

b. When the defendant is less than 21 years old at the time of conviction or entry of a plea of guilty; or

c. When a defendant is a first offender in that he or she has not heretofore been sentenced as an adult.

3. The pre-sentence investigation report shall include information regarding the circumstances of the offense and the character of the defendant sufficient to assist the judge in determining sentence.

4. The pre-sentence investigation report shall also include a victim impact statement as provided by law.

B. Psychiatric or Psychological Examination

1. After a finding of guilt and before the imposition of sentence, after notice to counsel for both parties, the sentencing judge may, as provided by law, order the defendant to undergo a psychiatric or psychological examination. For this purpose the defendant may be remanded to any available clinic, hospital, institution, or state correctional diagnostic and classification center for a period not exceeding 60 days.

[Pa.B. Doc. No. 07-779. Filed for public inspection May 4, 2007, 9:00 a.m.]

PIKE COUNTY

Promulgation of Criminal Local Rule 703; No. 614-2007-Civil; No. 56-2007-M. D.

Order

And Now, this 16th day of April, 2007, the Court *Orders* the following:

1. Local Rule of Criminal Procedure 703 is hereby adopted effective thirty (30) days after publication in the *Pennsylvania Bulletin*;

2. The Court Administrator of the 60th Judicial District is hereby *Ordered* to do the following:

a. File seven (7) certified copies of this *Order* and the pertinent Rules with the Administrative Office of Pennsylvania Courts;

b. File two (2) certified copies and a computer diskette containing this *Order* and the pertinent Rule with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;

c. File one (1) certified copy of this *Order* and the pertinent Rule with the Civil Procedural Committee;

d. Provide one (1) copy of this *Order* and the Local Rule to each member of the Pike County Bar Association who maintain an active practice in Pike County; and

e. Keep continuously available for public inspection, copies of this *Order* and the Local Rules.

By the Court

JOSEPH F. KAMEEN,
President Judge

Local Rule 703. Disclosure of Pre-sentence Reports

A. All pre-sentence reports and related psychiatric and psychological reports shall be confidential, and not of public record. They shall be available to the sentencing judge, and to:

1. The attorney for the Commonwealth and counsel for the defendant, for inspection only.

B. If the defendant or the Commonwealth alleges any factual inaccuracy in a report under this rule, the sentencing judge shall, as to each inaccuracy found, order that the report be corrected accordingly.

C. After sentencing, unless the sentencing judge otherwise orders, and subject to the provisions of paragraph (B), psychiatric, psychological, and pre-sentence reports shall also be available to:

1. Correctional institutions housing the defendant; and
2. Departments of probation or parole supervising the defendant; and

3. Departments of probation or parole preparing a pre-sentence investigation report regarding the defendant.

The reports shall continue to be confidential and not of public record.

D. On the order of the sentencing judge, a psychiatric, psychological, or pre-sentence investigation report may be made available to any other person or agency having a legitimate professional interest in the disposition of the case.

E. The sentencing judge may at any time impose further conditions of confidentiality on a person or agency receiving a report under paragraphs (C) or (D) of this rule.

[Pa.B. Doc. No. 07-780. Filed for public inspection May 4, 2007, 9:00 a.m.]