

# THE COURTS

## Title 234—RULES OF CRIMINAL PROCEDURE

[ 234 PA. CODE CH. 5 ]

### Order Revising the Comment to Rule 523 of the Rules of Criminal Procedure; No. 475 Criminal Procedural Rules Doc.

#### Order

*Per Curiam*

*And Now*, this 15th day of June, 2016, upon the recommendation of the Criminal Procedural Rules Committee; the proposal having been published before adoption at 45 Pa.B. 7288 (December 26, 2015), and in the *Atlantic Reporter* (Third Series Advance Sheets, Vol. 126), 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 the revision of the Comment to Pennsylvania Rule of Criminal Procedure 523 is approved in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective October 1, 2016.

#### Annex A

### TITLE 234. RULES OF CRIMINAL PROCEDURE CHAPTER 5. PRETRIAL PROCEDURES IN COURT CASES

#### PART C(1). Release Procedures

#### Rule 523. Release Criteria.

\* \* \* \* \*

#### Comment

This rule clarifies present practice, and does not substantively alter the criteria utilized by the bail authority to determine the type of release on bail or the conditions of release reasonably necessary, in the bail authority's discretion, to ensure the defendant's appearance at subsequent proceedings and compliance with the conditions of the bail bond.

When deciding whether to release a defendant on bail and what conditions of release to impose, the bail authority must consider all the criteria provided in this rule, rather than considering, for example, only the designation of the offense or the fact that the defendant is a nonresident. **Nothing in this rule prohibits the use of a pretrial risk assessment tool as one of the means of evaluating the factors to be considered under paragraph (A). However, a risk assessment tool must not be the only means of reaching the bail determination.**

In addition to the release criteria set forth in this rule, in domestic violence cases under Section 2711 of the Crimes Code, 18 Pa.C.S. § 2711, the bail authority must also consider whether the defendant poses a threat of danger to the victim.

When a defendant who has been released on bail and is awaiting trial is arrested on a second or subsequent

charge, the bail authority may consider that factor in conjunction with other release criteria in setting bail for the new charge.

**Official Note:** Previous Rule 4002, formerly Rule 4003, adopted November 22, 1965, effective June 1, 1966; renumbered Rule 4002 and amended July 23, 1973, effective 60 days hence; Comment revised January 28, 1983, effective July 1, 1983; rescinded September 13, 1995, effective January 1, 1996, and not replaced. Present Rule 4002 adopted September 13, 1995, effective January 1, 1996. The January 1, 1996 effective dates extended to April 1, 1996; the April 1, 1996 effective dates extended to July 1, 1996; amended September 3, 1999, effective immediately; renumbered Rule 523 and Comment revised March 1, 2000, effective April 1, 2001; **Comment revised June 15, 2016, effective October 1, 2016.**

*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 June 15, 2016 Comment revisions regarding the use of risk assessment tools published with the Court's Order at 46 Pa.B. 3414 (July 2, 2016).**

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

#### *Revision to the Comment to Pa.R.Crim.P. 523 Risk Assessment Tools*

On June 15, 2016, effective October 1, 2016, upon the recommendation of the Criminal Procedural Rules Committee, the Court approved the revision of the Comment to Rule of Criminal Procedure 523 (Release Criteria) to recognize the use of risk assessment tools as one factor permitted to be considered in bail determination.

Recently, representatives of the First Judicial District (FJD) in Philadelphia had requested that the Committee consider clarifying that risk assessment tools may be used as part of the determination when setting bail. The FJD is in the process of developing a risk tool to assist Arraignment Court Magistrates and Judges in determining whether defendants at the time of their arrest should be held in custody, released under House Arrest/Electronic Monitoring, released under special conditions, or released on their own recognizance.

This effort in the FJD is consistent with a national trend in moving from a "cash-based release system," which is believed to be more burdensome on lower income defendants, to a "risk-based release system," that attempts to assess the likely danger of non-appearance or other misconduct. In particular, risk assessment tools are intended to use quantifiable statistics in an attempt to determine the potential risk that the defendant may pose and then use that as a basis for determining what conditions should be placed on release. The ultimate goal is to try to add more objectivity to the bail decision.

Simply put, a risk assessment tool is developed by studying cases in the past in which the defendants have committed misconduct while on pretrial bail and determining what factors, such as drug addiction, unemployment, or prior criminal history, are present. Usually, some

<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.

type of point system is then developed from this data that will be used to “score” a new defendant as a means of predicting whether the defendant will commit misconduct while on bail.

The risk assessment tool being implemented in Philadelphia is a good example of how such an analysis is developed. It is based on data of defendants in Philadelphia from 2007-2014 who were arrested and released on pretrial status. The data was analyzed to determine which defendants committed new crimes and the types of characteristics these defendants who were arrested for new crimes possess. The types of new crimes for which these defendants were arrested while on pretrial status were also analyzed. Over 200,000 defendants’ cases were studied. The factors studied included a defendant’s criminal history, age at time of first adult arrest, previous time in jail, current and new charges, and length of previous time in jail.

Risk assessment tools are already in use in a number of jurisdictions, such as Colorado and Kentucky. Even within Pennsylvania, Allegheny County has used a risk assessment tool for bail determination since 2006. Use of risk assessment tools is also encouraged in the ABA’s Standard on Pretrial Release 10-1.10(i) that urges each jurisdiction, *inter alia*, to:

- (i) develop and operate an accurate information management system to support prompt identification, information collection and presentation, risk assessment, release conditions selection, compliance monitoring and detention review functions essential to an effective pretrial services agency; . . .

The Committee also considered whether the rule should provide standards for the type of risk assessment tools that would be permitted. Ultimately, the Committee concluded that the validity of the individual risk tool’s methodology was a substantive matter requiring factual determination on a case by case basis.

In light of these considerations, the Committee concluded that currently nothing in the rules precludes the use of such a tool so long as it is not the exclusive means of making the assessment regarding bail. However, the Committee believes that a clarification on this point would be helpful. Therefore, the Comment to Rule 523 has been revised to state that the rule does not forbid the use of a risk assessment tool but that the tool must not be the only means of reaching the bail decision.

[Pa.B. Doc. No. 16-1122. Filed for public inspection July 1, 2016, 9:00 a.m.]

## Title 237—JUVENILE RULES

### PART I. RULES

#### [ 237 PA. CODE CH. 16 ]

#### Order Approving the Amendment of Rule 1608 of the Rules of Juvenile Court Procedure; No. 697 Supreme Court Rules Doc.

#### Order

*Per Curiam*

And Now, this 14th day of June, 2016, upon the recommendation of the Juvenile Court Procedural Rules Committee, the proposal having been submitted without publication pursuant to Pa.R.J.A. No. 103(a)(3):

*It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 1608 of the Pennsylvania Rules of Juvenile Court Procedure is revised in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective on August 1, 2016.

#### Annex A

#### TITLE 237. JUVENILE RULES

#### PART I. RULES

#### Subpart B. DEPENDENCY MATTERS

#### CHAPTER 16. POST-DISPOSITIONAL PROCEDURES

#### PART B(2). PERMANENCY HEARING

#### Rule 1608. Permanency Hearing.

\* \* \* \* \*

#### D. Court’s findings.

1) *Findings at all six-month hearings.* At each permanency hearing, the court shall enter its findings and conclusions of law into the record and enter an order pursuant to Rule 1609. On the record in open court, the court shall state:

\* \* \* \* \*

o) whether sufficient steps have been taken by the county agency to ensure the caregiver is exercising the reasonable and prudent parent standard; [ **and** ]

p) whether sufficient steps have been taken by the county agency to ensure the child has been provided regular, ongoing opportunities to engage in age-appropriate or developmentally-appropriate activities, including:

i) consulting the child in an age-appropriate or developmentally-appropriate manner about the opportunities to participate in activities; and

ii) identifying and addressing any barriers to participation[ . . . ]; **and**

q) **whether the visitation schedule for the child with the child’s guardian is adequate, unless a finding is made that visitation is contrary to the safety or well-being of the child.**

2) *Another Planned Permanent Living Arrangement (APPLA) for Children Sixteen Years of Age or Older.* APPLA shall not be utilized for any child under the age of sixteen. At each permanency hearing for a child who is sixteen years or older and has a permanency goal of APPLA, the following additional considerations, inquiry, and findings shall be made by the court:

\* \* \* \* \*

c) *Court’s APPLA Findings.* After making all the findings of paragraph (D)(1) and before assigning the permanency goal of APPLA, at each subsequent permanency hearing, based upon the considerations and inquiry provided in paragraph (D)(2)(a) & (b) and any other evidence deemed appropriate by the court, the court shall state in open court on the record the following:

i) reasons why APPLA continues to be the best permanency plan for the child; and

ii) compelling reasons why it continues not to be in the best interests of the child to:

- A) return home;
- B) be placed for adoption;
- C) be placed with a legal guardian; [ and ]
- D) be placed with a fit and willing relative[ . ]; and

**iii) the full name of at least one identified supportive adult with whom the child has significant connections.**

3) *Additional findings for fifteen of last twenty-two months.* If the child has been in placement for fifteen of the last twenty-two months, the court may direct the county agency to file a petition to terminate parental rights.

\* \* \* \* \*

**Comment**

See 42 Pa.C.S. §§ 6341, 6351.

Permanency planning is a concept whereby children are not relegated to the limbo of spending their childhood in foster homes, but instead, dedicated effort is made by the court and the county agency to rehabilitate and reunite the family in a reasonable time, and failing in this, to free the child for adoption. *In re M.B.*, 674 A.2d 702, 704 (Pa. Super. [ Ct. ] 1996) (*quoting In re Quick*, 559 A.2d 42 (Pa. 1989)).

\* \* \* \* \*

After all the requirements of paragraph (D)(1) and (D)(2)(a) and (b) have been made, the court is to state in open court on the record the specific reasons why APPLA continues to be the best permanency plan for the child [ and ], the compelling reasons why it continues not to be in the best interests of the child to return home or be placed for adoption, with a legal guardian, or with a fit and willing relative, **and the full name of at least one identified supportive adult with whom the child has significant connections.** See paragraph (D)(2)(c). The standards of this rule make choosing the plan of APPLA difficult to ensure that it is the last alternative available for the child. Additionally, this rule requires the court to state its finding in open court on the record. If the court takes a case under advisement, it is to continue the hearing until it is ready to make these findings. The time requirements of the Rules are to be followed when taking a case under advisement.

\* \* \* \* \*

**Official Note:** Rule 1608 adopted August 21, 2006, effective February 1, 2007. Amended December 18, 2009, effective immediately. Amended April 21, 2011, effective July 1, 2011. Amended April 29, 2011, effective July 1, 2011. Amended October 21, 2013, effective December 1, 2013. Amended July 13, 2015, effective October 1, 2015. Amended December 9, 2015, effective January 1, 2016. **Amended June 14, 2016, effective August 1, 2016.**

*Committee Explanatory Reports:*

\* \* \* \* \*

Final Report explaining the amendments to Rule 1608 published with the Court’s Order at 45 Pa.B. 7289 (December 26, 2015).

**Final Report explaining the amendments to Rule 1608 published with the Court’s Order at 46 Pa.B. 3416 (July 2, 2016).**

**FINAL REPORT<sup>1</sup>  
Amendment of Pa.R.J.C.P. 1608**

On December 9, 2015, the Court amended Juvenile Court Procedural Rule 1608 concerning permanency hearings for children with a permanency plan of another planned permanent living arrangement (“APPLA”), services for independent living, and corresponding definitions, due to new federal requirements of the Preventing Sex Trafficking and Strengthening Families Act (“PSTSFA”), (P.L. 113-183), 42 U.S.C. §§ 675 & 675a.

After the rule amendment, the Governor signed the Act of Dec. 28, 2015, P.L. 559, which added to the federal requirements of 42 U.S.C. § 675a(a)(2)(B) to now require that the court “make findings that the significant connection is identified in the permanency plan or that efforts have been made to identify a supportive adult, if no one is currently identified.” See 42 Pa.C.S. § 6351(F.1)(5)(iv)(D), *as amended*.

As presently constructed, Rule 1608 requires the court to consider evidence concerning “the full name of at least one identified supportive adult with whom the child has significant connections.” Pa.R.J.C.P. 1608(D)(2)(a)(iii); *see also* Pa.R.J.C.P. 1149 (Family Finding). However, the rule does not require a finding of identification. Therefore, to conform the rule to the new state legislative requirement, Rule 1608 is amended to add paragraph (D)(2)(c)(iii) to require supportive adult identification as another judicial finding.

Rule 1608 is further amended to require the court at a permanency hearing to address the child’s visitation with the guardian. Presently, this is required at the shelter care hearing, adjudicatory hearing, and dispositional hearing, *see* Pa.R.J.C.P. 1242(E)(7), 1409(C)(2)(b), 1512(D)(1)(k). Rule 1608 mentions visitation, but only in the context of siblings. *See* Pa.R.J.C.P. 1608(D)(1)(n). Rule 1609 (Permanency Hearing Orders) mentions “temporary visitation rights of parents,” but only when the court transfers custody of the child. *See* Pa.R.J.C.P. 1609(C)(3). Therefore, Rule 1608 is amended to require the court to consider the adequacy of the visitation schedule for the child with the child’s guardian.

[Pa.B. Doc. No. 16-1123. Filed for public inspection July 1, 2016, 9:00 a.m.]

**Title 249—PHILADELPHIA  
RULES**

**PHILADELPHIA COUNTY**

**Democratic National Convention—July 25, 2016—  
July 28, 2016; No. 02 of 2016**

**Order**

*And* now, this 14th day of June, 2016, in order to address questions posed regarding the operations of the First Judicial District of Pennsylvania (“District”) and all Courts and Departments of the Philadelphia Courts (“Philadelphia Courts”) during the Democratic National

<sup>1</sup> The Committee’s Final Report 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.



Convention, which will be held in Philadelphia from Monday July 25, 2016 to Thursday July 28, 2016, *It Is Hereby Ordered and Decreed* as follows:

(1) The First Judicial District of Pennsylvania (“District”) and all Courts and Departments of the Philadelphia Courts (“Philadelphia Courts”) will be open for business as usual. The filing offices of the Philadelphia Courts will also remain open pursuant to their established schedules.

(2) All Municipal Court and Court of Common Pleas cases (civil, criminal, juvenile, dependency, domestic relations, and Orphans’ Court cases) will be heard as scheduled unless continued on or before their scheduled date.

(3) Continuance requests in dependency and delinquency proceedings are governed by Pa.Rs.J.C.P. 122 and 1122. Continuance requests in criminal cases are governed by Pa.R.Crim.P. 106. In the event a continuance is granted, the judge shall indicate to which party the period of delay caused by the continuance shall be attributed and whether the time will be included in or excluded from the computation of time within which trial must commence in accordance with Rule 600.

(4) The District has been informed that in light of the anticipated attendance at the various Democratic National Convention sponsored events, the Police Department will re-deploy most if not all of the police witnesses scheduled to testify in connection with scheduled juvenile, dependency, criminal and other matters to the Democratic National Convention detail. Given the importance of ensuring that victims and others are not subjected to the inconvenience of being called for cases that cannot be heard, the Court requests the prosecution and defense bar to actively collaborate to identify cases, as far in advance of July 25, 2016 as possible, that could be continued until after July 28, 2016 without prejudicing the rights of the involved parties.

(5) To the extent the prosecution, defense counsel and unrepresented defendants cannot agree to the continuance of impacted cases, continuance requests must be made by the District Attorney’s Office, the defendant’s attorney of record, or the defendant (if not represented) on a case by case basis and will be determined by the appropriate judge on a case by case basis.

This Order shall be filed with the Office of Judicial Records in a Docket maintained for orders issued by the Administrative Governing Board of the First Judicial District of Pennsylvania, and shall be submitted to the *Pennsylvania Bulletin* for publication. Copies of the order shall be submitted to the Administrative Office of Pennsylvania Courts, American Lawyer Media, *The Legal Intelligencer*, Jenkins Memorial Law Library, and the Law Library for the First Judicial District of Pennsylvania, and shall be posted on the website of the First Judicial District of Pennsylvania: <http://www.courts.phila.gov/regis>.

*By the Court*

HONORABLE SHEILA WOODS-SKIPPER,  
*Chair, Administrative Governing Board  
First Judicial District of Pennsylvania  
President Judge, Court of Common Pleas  
Philadelphia County*

[Pa.B. Doc. No. 16-1124. Filed for public inspection July 1, 2016, 9:00 a.m.]

## Title 25—LOCAL COURT RULES

### DELAWARE COUNTY

**A.R.D. Administrative Procedure 80124-98; DUI  
Cases; Doc. No. MD 29-2016**

#### Administrative Order

And Now, this 19th day of May, 2016, it is hereby *Ordered and Decreed* that A.R.D. Administrative Guidelines procedure 80124-98 is hereby vacated and repealed. This rule is hereby replaced with the following procedures and requirements effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

1) Each person charged with a Driving Under the Influence Offense in the County of Delaware is required to complete the Court Reporting Network (CRN) Evaluation under the direction of Court Diagnostic Services exclusively in the County of Delaware on each and every DUI Offense.

2) Each defendant convicted of Driving Under the Influence in the County of Delaware or admitted to the A.R.D. Program is required to complete the Community Services Hours, if ordered, and the Track 1 or Track 2 Alcohol Highway Safety Educational Classes (1st and 2nd offenses) in the County of Delaware. Defendants, who reside outside of the Philadelphia Metropolitan Area, may be allowed to complete the above requirements in their home county, provided documentation is provided by the supervising county to the County of Delaware attesting to the successful completion thereof. The Philadelphia Metropolitan Area is defined as Philadelphia, Chester, Montgomery, and New Castle Counties.

3) Each defendant who is required to complete DUI outpatient treatment may complete the treatment at a licensed drug and alcohol treatment facility in his or her home county or state, as long as the defendant executes the appropriate HIPAA releases to allow the treatment facility to provide admittance and completion requirements prior to registration and updated treatment information where required by the County of Delaware Office of Probation and Parole.

*By the Court*

CHAD F. KENNEY,  
*President Judge*

[Pa.B. Doc. No. 16-1125. Filed for public inspection July 1, 2016, 9:00 a.m.]

### LYCOMING COUNTY

**2016 Amendments to the Rules of Civil Procedure;  
Doc. No. 16-00006**

#### Order

And Now, this 8th day of June, 2016, it is hereby *Ordered and Directed* as follows:

1. Lycoming County Rules of Civil Procedure L205.2 and L1910.12 shall be amended as follows. (Bold is new language; bracketed bold is removed language.)

2. The Prothonotary is directed to:

a. File one (1) certified copy of this order with the Administrative Office of the Pennsylvania Courts.

b. Forward two (2) certified copies of this order and a computer disk containing the text of the local rule to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

c. Forward one (1) certified copy of this order to the Pennsylvania Civil Procedural Rules Committee by mail and also email a copy of the rule to the Committee at [civil.rules@pacourts.us](mailto:civil.rules@pacourts.us).

d. Forward one (1) certified copy of this order to the Pennsylvania Domestic Relations Procedural Rules Committee by mail.

e. Forward one (1) copy of this order to the chairman of the Lycoming County Customs and Rules Committee.

3. The revisions shall become effective 30 days after the publication of this order in the *Pennsylvania Bulletin*.

*By the Court*

NANCY L. BUTTS,  
*President Judge*

#### **L205.2. Filing Legal Papers with the Prothonotary.**

(a) \* \* \*

(b) Required cover sheets.

A. \* \* \*

B. *Motion Cover Sheet*. The procedure set forth in this section shall apply to every request for relief and/or application to the court for an order, whether by petition, motion, preliminary objection, exception, or stipulation, that the filing party desires to bring before the court or family court hearing officer, except a motion for a continuance (see rule [ **L205.2(b)c** ] L216 regarding continuance) [ and exceptions to a Family Court Order (see Rule L1910.12 regarding exceptions) ].

#### **L1910.12. Exceptions Procedure.**

A. This procedure shall apply to:

1. all exceptions to the report and recommendation entered with respect to claims filed in or collected through the domestic relations office; and,

2. all exceptions to the report and recommendation entered with respect to claims raised in a divorce action and which have not been filed in or collected through the domestic relations office.

B. The exceptions and [ **two copies** ] **one copy** shall be filed with the prothonotary, **and shall have attached to them a copy of the order to which the exceptions have been taken. A rule L205.2(b)B motion cover sheet is required. The cover sheet shall indicate whether or not a transcript of the Family Court hearing is required.**

C. *Hearing Date*.

1. Upon the filing of exceptions under subparagraph A.1, above, a date for argument will be scheduled on the first available domestic relations hearing date occurring 21 days or more following the date of mailing of the temporary order.

2. Upon the filing of exceptions under subparagraph A.2, above, a date for argument will be scheduled on the first available miscellaneous date 21 days or more following the date of mailing of the temporary order.

[ D. At the argument, the parties will be required to stipulate on the record to all relevant facts which are not in dispute. If all of the facts necessary for resolution of the exceptions cannot be presented by way of stipulation, the court will direct preparation of a complete transcript of the proceedings held before the hearing officer, and require the posting of a deposit within a certain time period for preparation of the transcript by the party filing exceptions, or by both parties if cross-exceptions are filed, excepting any party who may have been granted leave to proceed in forma pauperis. The judge may also direct that further argument be held after the transcript is filed.

E. Upon completion and filing of any transcript ordered, the exceptions will be resolved based upon the argument previously presented to the court and the transcript, along with any exhibits previously entered into the record. Unless directed by the court, no further proceedings will be scheduled. Final allocation of the cost of the transcript, including any payment by a party who was previously excused from posting a deposit, will be ordered upon resolution of the exceptions.

F. If the deposit for the transcript is not paid as directed under sub-paragraph D, above, all exceptions may be decided by the court based upon the findings of fact made by the family court hearing officer. ]

[Pa.B. Doc. No. 16-1126. Filed for public inspection July 1, 2016, 9:00 a.m.]

## **WASHINGTON COUNTY**

### **Establishing Uniform Rules Regarding Taking of Photographs, Video or Motion Pictures of Judicial Proceedings in the Hearing Room, Courtroom or Its Environs; Wireless Internet Access in the Courtrooms; No. 2016-1**

#### **Administrative Order**

*And Now*, this 13th day of June, 2016, it is hereby *Ordered* and *Decreed* that the following order shall govern the use of media devices in and around the courtrooms, hearing rooms, or its environs. The Administrative Order of April 9, 2014, concerning this matter is vacated.

1. No sound recording, photograph, video recording, or motion picture may be made or taken of any judicial proceeding or in any hearing room or courtroom, without the prior permission of the President Judge, the presiding judge, or the Court Administrator.

2. All electronic devices, including cell phones, tablets, laptops, and cameras, shall be powered off (not simply muted or on vibrate) in all hearing rooms and courtrooms, unless permission to activate such device has been first obtained from the presiding judge, the presiding hearing officer, or the designee of the presiding judge or the presiding hearing officer.

3. No photograph, video recording, or motion picture of any witness, juror, or member of law enforcement connected to a pending judicial proceeding may be taken or made in the courthouse or in any building housing a courtroom or hearing room, whether or not the court is actually in session, without the prior permission of the President Judge or the presiding judge.

4. The transmission of any conversation or testimony taken by any electronic means during any judicial proceeding without the prior permission of the presiding judge, the presiding hearing officer, or the Court Administrator is strictly prohibited. This prohibition includes live blogging, tweeting, and/or posting quotations via social media.

5. The presiding judge, or the presiding hearing officer or his/her designee, are authorized to enforce this Order, including taking immediate possession of any offending device.

6. Any device confiscated pursuant to this Order that is not claimed by its lawful owner within seven (7) business days of such confiscation shall be deemed forfeited to the County of Washington.

7. The District Attorney and Public Defender's Office shall be permitted to access case information by use of electronic means in the courtrooms or hearing rooms pursuant to a policy developed and implemented by the Court Administrator.

8. This Order does not preclude:

a. The use of electronic devices by counsel and/or their agents and employees in the presentation of their case as otherwise authorized by law;

b. The use of electronic devices in non-legal proceedings such as ceremonial proceedings, mock trials, or other similar proceedings. It is the responsibility of the recording party to obtain any necessary release from the participants;

c. The use of cameras or other equipment utilized by court personnel or the Washington County Sheriff's Department for the purpose of providing courtroom security, or otherwise monitoring proceedings.

9. Nothing contained herein shall be construed as conflicting with or otherwise superseding the provisions of Pa.R.Crim.P. 112 and 542(B)(5), and/or Pa.R.J.A. 1910.

10. Violation of this Order may constitute contempt of court and result in the removal of the individual, confiscation of the device, the deletion of any offending data or material on such device, the imposition of a fine of up to \$1,000.00, and/or imprisonment of up to six (6) months.

It is *Ordered* that this Administrative Order shall be effective thirty (30) days after the publication thereof in the *Pennsylvania Bulletin*.

It is further *Ordered* that, in accordance with Pa.R.Crim.P. 105, the District Court Administrator shall:

(a) File one (1) certified copy hereof with the Administrative Office of the Pennsylvania Courts;

(b) Distribute two (2) certified copies hereof to and one (1) CD-ROM copy that complies with the requirement of Pa. Code § 13.11(b), to the Legislative Reference Bureau for publication in *Pennsylvania Bulletin*;

(c) File one (1) certified copy hereof with the Criminal Procedural Rules Committee;

(d) File one (1) certified copy with the Clerk of Courts;

(e) Cause a copy hereof to be published in the *Washington County Bar Journal* once a week for two successive weeks at the expense of the County of Washington; and

(f) Supervise the distribution hereof to all Judges of this Court and the Magisterial District Judges of the County of Washington.

*By the Court*

KATHERINE B. EMERY,  
*President Judge*

[Pa.B. Doc. No. 16-1127. Filed for public inspection July 1, 2016, 9:00 a.m.]