

# THE COURTS

## Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

### PART II. GENERAL ADMINISTRATION

[ 204 PA. CODE CH. 29 ]

#### Promulgation of Financial Regulations Pursuant to 42 Pa.C.S. § 3502(a); No. 515 Judicial Adminis- tration Doc.

##### Order

*Per Curiam:*

*And Now*, this 10th day of April, 2019, it is Ordered pursuant to Article V, Section 10(c) of the Constitution of Pennsylvania and Section 3502(a) of the Judicial Code, 42 Pa.C.S. § 3502(a), that the Court Administrator of Pennsylvania is authorized to promulgate the following Financial Regulations. The Financial Regulations are effective April 28, 2019.

To the extent that notice of proposed rulemaking may be required by Pa.R.J.A. No. 103, the immediate promulgation of the regulations is hereby found to be in the interest of efficient administration.

This Order is to be processed in accordance with Pa.R.J.A. No. 103(b) and is effective immediately.

##### Annex A

### TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

#### PART II. GENERAL ADMINISTRATION

#### CHAPTER 29. MISCELLANEOUS PROVISIONS

##### Subchapter I. BUDGET AND FINANCE

#### § 29.353. General Principles.

The Supreme Court of Pennsylvania, pursuant to general authority set forth by Art. V, § 10 of the Pennsylvania Constitution, and 42 Pa.C.S. § 1721, has authorized the Court Administrator of Pennsylvania to promulgate regulations in accordance with all applicable statutory provisions pertaining to the distribution and disbursement of all fines, fees, costs, reparations, restitution, penalties and other remittances imposed and collected by the Criminal Division of the Courts of Common Pleas, Philadelphia Municipal Court, any other entity on behalf of the Court using the Common Pleas Criminal Court Case Management System (CPCMS), and the Magisterial District Courts, which use the Magisterial District Judge System (MDJS).

These regulations are effective April 28, 2019.

I. Schedule for standard distribution of funds collected by the Criminal Division of the Courts of Common Pleas, Philadelphia Municipal Court, any other entity on behalf of the Court using the CPCMS, and the Magisterial District Courts, which use the MDJS.

A. All fines, fees, costs, reparations, restitution, penalties and other remittances imposed and collected by the Criminal Division of the Courts of Common Pleas, Philadelphia Municipal Court, any other entity on behalf of the Court using the CPCMS, and the Magisterial District Courts, which use the MDJS, shall be distributed in the following prioritized order:

1. The collection agency fee provided for in 42 Pa.C.S. § 9730.1 shall be paid first, but only in cases wherein the private collection agency has secured the funds from the defendant or a third party and the payment is made to the court. No more than 25% of each payment secured from the defendant by the private collection agency may be applied towards this fee.

2. The Crime Victim's Compensation Fund and Victim Witness Services Fund shall be paid, but only in cases in which the defendant has been sentenced to incarceration, probation or is admitted into an accelerated rehabilitative disposition program (see 18 P.S. § 11.1101). Otherwise, these costs shall be distributed in accordance with subsection (A)(6) of these regulations.

3. At least 50% of any additional payment shall go to restitution until it is paid in full (see 42 Pa.C.S. § 9728(g.1)). When restitution is ordered to more than one recipient at the same time, the court shall set the priority of payment as follows, in accordance with 18 Pa.C.S. § 1106(c)(1)(ii)(A)—(G):

i. Any individual.

ii. Any affected government agency. The term "affected government agency" is defined as the Commonwealth, a political subdivision or local authority that has sustained injury to property. The term "injury to property" is defined as loss of real or personal property, including negotiable instruments, or decrease in its value, directly resulting from the crime. See Section 1106(h) of the Crimes Code, 18 Pa.C.S. § 1106(h).

iii. The Crime Victim's Compensation Board.

iv. Any other government agency that has provided reimbursement to the victim as a result of the defendant's criminal conduct.

v. Any insurance company that has provided reimbursement to the victim as a result of the defendant's criminal conduct.

vi. Any estate or testamentary trust.

vii. Any business entity organized as a nonprofit or not-for-profit entity.

viii. Any other business entity. The term "business entity" is defined as a domestic or foreign: business corporation, nonprofit corporation, general partnership, limited partnership, limited liability company, unincorporated nonprofit association, professional association or business trust, common law business trust or statutory trust. See Section 1106(h) of the Crimes Code, 18 Pa.C.S. § 1106(h).

4. Judicial Computer Project/Access To Justice/Criminal Justice Enhancement Account (JCS/ATJ/CJEA) Fee (see 42 Pa.C.S. §§ 3733(a.1) and 3733.1; 71 P.S. § 720.102; and 72 P.S. § 1795.1-E).

5. Electronic monitoring fees, offender supervision fees (as set forth in 18 P.S. § 11.1102(c)), alcohol highway safety school fees, service fees (such as sheriff's fees set forth in 42 P.S. § 21101 et seq., and constable's fees set forth in 44 Pa.C.S. §§ 7161 and 7161.1), transcript fees, witness fees (as provided for in 42 Pa.C.S. § 5903), and other similar fees shall be paid based upon a pro-rated formula, unless the fees are prioritized by court order or the judicial district. The Administrative Office of Pennsylvania Courts may preclude a fee from being classified as an "other similar fee." The amount of the payment

allocated to each outstanding item shall be determined by dividing the outstanding balance for the individual item by the combined total of the outstanding balances for all items. The resulting number is then multiplied by the amount of the payment to determine how much of the payment shall be allocated to the outstanding balance of the individual item involved.

For example, a defendant owes \$80.00 in electronic monitoring fees, \$10.00 in offender supervision fees, and \$10.00 in service fees, for a total of \$100.00 in outstanding fees. Defendant makes a payment of \$10.00 in his/her case. To determine the amount to be allocated to electronic monitoring fees, divide the outstanding balance of the electronic monitoring fee (\$80.00) by the combined total outstanding balances of all items ( $\$80.00 + 10.00 + 10.00 = \$100.00$ ). The result in this example is .8 (80/100). Multiply the resulting figure by the amount of the payment to determine the allocation to electronic monitoring fees, which in this example is \$8.00 ( $.8 \times \$10.00 = \$8.00$ ).

6. All other fines, fees, costs, reparations, penalties and other remittances, except for judgment or satisfaction fees, shall be distributed based upon a pro-rated formula. Specifically, the amount of the payment allocated to each outstanding item shall be determined by dividing the outstanding balance for the individual item by the combined total of the outstanding balances for all items. The resulting number is then multiplied by the amount of the payment to determine how much of the payment shall be allocated to the outstanding balance of the individual item involved.

For example, a defendant owes \$80.00 in costs, \$10.00 in fines, and \$10.00 in fees, for a total of \$100.00 in outstanding costs, fines and fees. Defendant makes a payment of \$20.00 in his/her case. To determine the amount to be allocated to the fines, divide the outstanding balance of the fines (\$10.00) by the combined total outstanding balances of all items ( $\$80.00 + 10.00 + 10.00 = \$100.00$ ). The result in this example is .1 (10/100). Multiply the resulting figure by the amount of the payment to determine the allocation to the fines, which in this example is \$2.00 ( $.1 \times \$20.00 = \$2.00$ ).

7. Fees charged by the clerk of courts, prothonotary, other entity in the county responsible for the distribution and disbursement of all fines, fees, costs, reparations, restitution, penalties, or other remittances, or the Clerk of Philadelphia Municipal Court for the entry or satisfaction of a civil judgment related to a criminal proceeding, as set forth in 42 Pa.C.S. § 1725 and 42 P.S. §§ 21042 and 21071, shall be paid last. The amount of the payment allocated to each fee shall be determined by dividing the outstanding balance for the individual fee by the combined total of the outstanding balances for both fees. The resulting number is then multiplied by the amount of the payment to determine how much of the payment shall be allocated to the outstanding balance of the individual fee involved.

For example, a defendant owes \$60.00 in judgment fees and \$40.00 in satisfaction fees for a total of \$100.00 in outstanding fees. Defendant makes a payment of \$10.00 in his/her case. To determine the amount to be allocated to judgment fees, divide the outstanding balance of the judgment fees (\$60.00) by the combined total outstanding balances of all items ( $\$60.00 + 40.00 = \$100.00$ ). The result in this example is .6 (60/100). Multiply the resulting figure by the amount of the payment to determine the allocation to judgment fees, which in this example is \$6.00 ( $.6 \times \$10.00 = \$6.00$ ).

B. Each payment shall be applied to a single case, unless otherwise ordered by the court.

II. The county probation department or other agent designated to collect all fines, fees, costs, reparations, restitution, penalties and other remittances pursuant to 42 Pa.C.S. § 9728 shall use the CPCMS when performing collection-related activities.

III. Nothing in these regulations shall be applicable to the collection and/or distribution of any filing fee that is authorized by law. Filing fees shall include but not be limited to the clerk of courts automation fee set forth in 42 Pa.C.S. § 1725.4(b).

[Pa.B. Doc. No. 19-607. Filed for public inspection April 26, 2019, 9:00 a.m.]

## Title 249—PHILADELPHIA RULES

### PHILADELPHIA COUNTY

#### Amendment of Philadelphia Municipal Court Criminal Rule 540. Preliminary Arraignment; Administrative Order No. 08 of 2019

#### Order

And Now, this 8th day of April 2019, it is hereby Ordered and Decreed that Philadelphia Municipal Court Criminal Rule 540. Preliminary Arraignment is amended, as follows, effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

As required by Pa.R.J.A. 103(d), this Administrative Order and the proposed local rule were submitted to the Supreme Court of Pennsylvania Criminal Procedural Rules Committee for review, and written notification has been received from the Rules Committee certifying that the amendment of the proposed local rule is not inconsistent with any general rule of the Supreme Court. This Administrative Order and the following amended local rule shall be filed with the Office of Judicial Records (formerly the Prothonotary, Clerk of Courts and Clerk of Quarter Sessions) in a docket maintained for Administrative Orders issued by the First Judicial District of Pennsylvania. As required by Pa.R.J.A. 103(d)(5)(ii), two certified copies of this Administrative Order and the following amended local rule, as well as one copy of the Administrative Order and local rule, shall be distributed to the Legislative Reference Bureau on a computer diskette for publication in the *Pennsylvania Bulletin*. As required by Pa.R.J.A. 103(d)(6) one certified copy of this Administrative Order and local rule shall be filed with the Administrative Office of Pennsylvania Courts, shall be published on the website of the First Judicial District at [www.philacourts.us](http://www.philacourts.us), and shall be incorporated in the compiled set of local rules no later than 30 days following publication in the *Pennsylvania Bulletin*. Copies of the Administrative Order and local rules shall also be published in *The Legal Intelligencer* and will be submitted to American Lawyer Media, Jenkins Memorial Law Library, and the Law Library for the First Judicial District.

By the Court

HONORABLE PATRICK F. DUGAN,  
President Judge  
Philadelphia Municipal Court

**Amendment to Rule 540. Preliminary Arraignment.**

*Note:* New text is bold and underscored.

**Rule 540. Preliminary Arraignment.**

(A) Preliminary arraignments shall be held 24/7/365, at the Justice Juanita Kidd Stout Center for Criminal Justice, in accordance with Pa.R.Crim.P. No. 540. Information available to the Arraignment Court Magistrate through PARS may be relied upon by the Arraignment Court Magistrate, shall be included in the case file, and shall be accessible by the parties and the public as provided by the Case Records Public Access Policy of the Unified Judicial System of Pennsylvania. The Arraignment Court Magistrate shall include in the case file documentary exhibits, if any, introduced by the Commonwealth or defense counsel.

(B) Hospital bedside preliminary arraignments may be conducted between 7:00 AM and 7:00 PM (or at such other times as authorized by the President Judge from time to time), in person or by using two-way simultaneous audio-visual communications as directed by the issuing authority or Arraignment Court Magistrate. Police shall direct all requests for bedside preliminary arraignments to the assigned Arraignment Court Magistrate at the Justice Juanita Kidd Stout Center for Criminal Justice.

**Comment: The Pennsylvania Rules of Criminal Procedures only require the recording and transcription of court proceedings after the preliminary arraignment. See Pa.R.Crim.P. No. 1012(A) and Pa.R.Crim.P. No. 115. Accordingly, preliminary arraignments conducted by Arraignment Court Magistrates will not be recorded or transcribed. However, the President Judge of the Philadelphia Municipal Court may direct that preliminary arraignments conducted by Arraignment Court Magistrates be recorded solely for quality control purposes. These recordings shall not be deemed a public record and shall not be available, discoverable or offered in evidence in any proceeding.**

*Note:* Former Rule 550 rescinded and new rule adopted by the Municipal Court Board of Judges on November 18, 2005; effective March 15, 2006. Rule renumbered as Rule 540 and amended on May 14, 2018; effective July 1, 2018. **Comment added by P.J. Administrative Order No. 08 of 2019 issued on April 8, 2019; effective , 2019.**

[Pa.B. Doc. No. 19-608. Filed for public inspection April 26, 2019, 9:00 a.m.]

## DISCIPLINARY BOARD OF THE SUPREME COURT

### Collection Fee and Late Payment Penalty; 2019-2020 Registration Year

Notice is hereby given that in accordance with Pennsylvania Rules of Disciplinary Enforcement 219(d)(2) and 219(f), The Disciplinary Board of the Supreme Court of Pennsylvania has established the collection fee for checks returned as unpaid and the late payment penalty for the 2019-2020 Registration Year as follows:

Where a check in payment of the annual registration fee for attorneys has been returned to the Board unpaid, the collection fee will be \$100.00 per returned item.

Any attorney who fails to complete registration by July 16 shall be automatically assessed a non-waivable late payment penalty of \$200.00. A second non-waivable late payment penalty of \$200.00 shall be automatically added to the delinquent account of any attorney who has failed to complete registration by August 1.

SUZANNE E. PRICE,  
*Attorney Registrar*

[Pa.B. Doc. No. 19-609. Filed for public inspection April 26, 2019, 9:00 a.m.]

## DISCIPLINARY BOARD OF THE SUPREME COURT

### Notice of Administrative Suspension

Notice is hereby given that the following attorneys have been Administratively Suspended by Order of the Supreme Court of Pennsylvania dated March 13, 2019, pursuant to Rule 111(b) Pa.R.C.L.E., which requires that every active lawyer shall annually complete, during the compliance period for which he or she is assigned, the continuing legal education required by the Continuing Legal Education Board. The Order became effective April 12, 2019 for Compliance Group 2.

Notice with respect to attorneys having Pennsylvania registration addresses, which have been administratively suspended by said Order, was published in the appropriate county legal journal.

Barfield, William Henry  
Houston, TX

Barmak, David Scott  
West Windsor, NJ

Bowser, Renee Luvonia  
Washington, DC

Brewington, Dana  
Chevy Chase, MD

Bridges, Alfred Wesley, Jr.  
Bordentown, NJ

Brown, Stephanie Julia  
Williamstown, NJ

Carbone, Patricia Livia  
Robbinsville, NJ

Cogswell, Anthony L.  
Washington, DC

Constanzer, Amanda Marie  
Centreville, VA

Courtney, William James  
Whitehouse Station, NJ

Dakhari, Eric D.  
Cherry Hill, NJ

Dougherty, Michael T.  
Chevy Chase, MD

Drago, Kelly K.  
Jamestown, NY

Fornias, Edward J., III  
Wilmington, DE

Haley, Sarah B.  
Deptford, NJ

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THE COURTS

Harrington, James Patrick  
New Bedford, MA

Harris, Dietrich Andrew  
Irvington, NJ

Ince, Mary Ann Rapp  
Colleyville, TX

Jacob, Frederick Albert  
Millville, NJ

Jorge, Aisha Tyice  
Columbia, MD

Karson, Miles K., III  
Washington, DC

Levow, Evan M.  
Cherry Hill, NJ

Maloney, Nekeshia Maria  
Baltimore, MD

Milavsky, Eric David  
Minden, NV

Mollenthiel, Ashley Theresa  
Mount Laurel, NJ

Nash, Stephen Payn  
Denver, CO

Osivandi, Cedri  
Switzerland

Pattanite, Michael Anthony, Jr.  
Lawrenceville, NJ

Peltonen, Laura Katherine Ann  
Cherry Hill, NJ

Pomerantz, Michael D.  
Haddon Township, NJ

Quinsey, Carmen Denise  
Pembroke Pines, FL

Quirke, Joh Patrick  
Skillman, NJ

Sbargo, Jean Karen  
Wilmington, DE

Yao, Jeffrey Brunelle  
Weatogue, CT

Zeitler, Michael Thomas  
Silver Spring, MD

SUZANNE E. PRICE,  
*Attorney Registrar*

[Pa.B. Doc. No. 19-610. Filed for public inspection April 26, 2019, 9:00 a.m.]