

# THE COURTS

## Title 201—RULES OF JUDICIAL ADMINISTRATION

[ 201 PA. CODE CH. 19 ]

### Amendment of Rule 1910 of the Rules of Judicial Administration; No. 522 Judicial Administration Doc.

#### Amended Order

*Per Curiam*

And Now, this 8th day of October, 2019, it is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 1910 of the Rules of Judicial Administration is amended in the following form.

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

This Order shall be processed in accordance with Pa.R.J.A. No. 103(b), and the amendments shall be effective on January 1, 2020.

#### Annex A

### TITLE 201. RULES OF JUDICIAL ADMINISTRATION

#### CHAPTER 19. MISCELLANEOUS ADMINISTRATIVE PROVISIONS

#### BROADCASTING IN THE COURTROOM

Rule 1910. Broadcasting, Recording and Photography in the Courtroom.

**A. General statutory prohibition. It is unlawful and a criminal offense to use or operate a device to capture, record, transmit or broadcast a photograph, video, motion picture or audio of a proceeding or person within a judicial facility or in an area adjacent to or immediately surrounding a judicial facility without the approval of the court or presiding judicial officer or except as provided by rules of court. See 18 Pa.C.S. § 5103.1 (relating to unlawful use of an audio or video device in court).**

**B. General rule.** Unless otherwise provided by **this rule or by** the Supreme Court of Pennsylvania, judges **[ should ] shall** prohibit broadcasting, televising, recording or taking photographs in the courtroom and areas immediately adjacent thereto during sessions of court or recesses between sessions, except that a judge may authorize:

[ A. ] (1) the use of electronic or photographic means for the presentation of evidence, for the perpetuation of a record or for other purposes of judicial administration;

[ B. ] (2) the broadcasting, televising, recording, or photographing of investitive, ceremonial, or naturalization proceedings;

[ C. ] (3) the photographic or electronic recording and reproduction of appropriate court proceedings under the following conditions:

[ (1) ] (a) the means of recording will not distract participants or impair the dignity of the proceedings; **[ and ]**

[ (2) ] (b) the parties have consented; and the consent to being depicted or recorded has been obtained from each witness appearing in the recording and reproductions; **[ and ]**

[ (3) ] (c) the reproduction will not be exhibited until after the proceeding has been concluded and all direct appeals have been exhausted; and

[ (4) ] (d) the reproduction will be exhibited only for instructional purposes in educational institutions.

[ D. ] (4) the use of electronic broadcasting, televising, recording and taking photographs in the courtroom and areas immediately adjacent thereto during sessions of court or recesses between sessions of any trial court nonjury civil proceeding[ , ]; however, for the purposes of this subsection, “civil proceedings” shall not be construed to mean a support, custody or divorce proceeding. **Paragraphs (c) and (d) of Subsection [ (3) and (4) ] (3)** shall not apply to nonjury civil proceedings as heretofore defined. No witness or party who expresses any prior objection to the judge shall be photographed, nor shall the testimony of such witness or party be broadcast or telecast. Permission for the broadcasting, televising, recording and photographing of any civil nonjury proceeding shall have first been expressly granted by the judge, and under such conditions as the judge may prescribe in accordance with the guidelines contained in this rule.

**Note:** Temperate conduct of judicial proceedings is essential to the fair administration of justice. The recording and reproduction of a proceeding should not distort or dramatize the proceeding.

\* \* \* \* \*

d. *Decorum.* Broadcast representatives’ dress should not set them apart unduly from other trial spectators. Camera operators should not move tripod-mounted cameras except during court recesses. All broadcast equipment should be in place and ready to function no less than five minutes before the beginning of each session of court.

#### **C. Law Enforcement Officers, Sheriff’s Department Officers, and Judicial Security Officers.**

**(1) Unless expressly prohibited by local rule or order of court as authorized by Subsection (5), and except as otherwise provided in this Subdivision C, officers of law enforcement agencies, sheriffs and deputy sheriffs, and judicial security officers (referred to collectively as “Officers”) may wear body cameras as part of their standard equipment and operate them as permitted by law or by state or local court rule, and as may be further authorized under the policies of the agency with which the Officer is associated.**

(2) No body camera may be activated in a courtroom during judicial proceedings except when an Officer, in his or her professional opinion, determines that there is an actual or imminent emergency situation warranting activation in the ordinary course of his or her duties. In such an emergency situation, an Officer may activate his or her body camera until such time as, in his or her professional judgment, the emergency situation has concluded.

(3) When an Officer activates a body camera in a courtroom as permitted by paragraph (2), he or she shall verbally notify the presiding judge at the first reasonable opportunity after the body camera has been activated. Also, within one business day of the emergency incident, the Officer or his or her supervisor shall provide to the presiding judge a written report of the circumstances surrounding the activation of the body camera, including the times of activation and deactivation and an explanation of the Officer's actions. The presiding judge shall promptly share the activation report with judicial district court administration. The activation report also shall be provided to the law enforcement agency with which the Officer is associated.

(4) Any recording made in a courtroom during a judicial proceeding may not be released to anyone outside the court and the law enforcement agency with which the Officer is associated without the express written approval of the president judge of the court. Use and dissemination of a recording made under this Subdivision C in connection with law enforcement activity shall require the express written approval of the president judge.

(5) A judicial district may adopt local rules or protocols regulating the use, operation and activation of body cameras in any location and space that is controlled by the judicial district and used in the ordinary course of its business, including a courtroom.

(6) A court and any law enforcement agency providing security services in the courtroom shall enter into a written agreement conforming to this rule and any local rule or protocol promulgated by the judicial district. At minimum, the agreement shall require the agency to (i) inform its officers of their responsibilities under the rule; (ii) provide training to its officers regarding the requirements of the rule, including training of new officers before they are permitted to activate a body camera in the courtroom; (iii) require annual written certification by a responsible representative of the law enforcement agency that the agency's officers have been informed of their responsibilities under the rule and have received proper training; and (iv) monitor their officers' compliance.

(7) Each law enforcement agency that provides security services to a court or judicial district shall provide to the district court administrator a copy of its current policies regarding use of body cameras, as well as a list of those Officers assigned to a court or judicial district who are qualified to wear and use body cameras.

[Pa.B. Doc. No. 19-1577. Filed for public inspection October 25, 2019, 9:00 a.m.]

## Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

### PART II. GENERAL ADMINISTRATION

[ 204 PA. CODE CH. 29 ]

Amendment of Financial Regulations Pursuant to Act 20 of 2019, Pa.R.C.P. No. 1920.31(A)(2) and 23 Pa.C.S. § 5323; No. 523 Judicial Administration Doc.

#### Order

*Per Curiam:*

And Now, this 10th day of October, 2019, it is Ordered, pursuant to Article V, Section 10(c) of the Constitution of Pennsylvania and 42 Pa.C.S. § 3502(a), that the following amendments to the Financial Regulations are hereby adopted.

To the extent that notice of proposed rulemaking may be required by Pa.R.J.A. No. 103(a), the immediate promulgation of the regulations is hereby found to be in the interests of efficient administration. See Pa.R.J.A. No. 103(a)(3).

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

#### Annex A

### TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

#### PART II. GENERAL ADMINISTRATION

#### CHAPTER 29. MISCELLANEOUS PROVISIONS

##### Subchapter I. BUDGET AND FINANCE

#### § 29.351. Definitions.

(a) *Pennsylvania Supreme, Superior and Commonwealth Courts. Initial Filing.*

[ 1. ] Except for the provisions of subsection (g)(1) below, for purposes of 42 Pa.C.S. §§ 3733(a.1) and 3733.1 and section 2802-E of The Administrative Code of 1929 (71 P.S. § 720.102), a statutory fee of [ **seventeen dollars (\$17.00)** ] **nineteen dollars (\$19.00)** shall be imposed on all items enumerated in the fee schedules of the Appellate Courts for which a filing and service fee is collected, excluding the following:

i. Second and Subsequent Filings for Extension of Time[ ; ],

ii. Reargument/Reconsideration[ ; ],

iii. Services in Connection with Appeals to or Writs of Certiorari from the United States Supreme Court[ ; ],

iv. Miscellaneous Fees[ ; and ],

v. Subpoenas.

(b) *Court of Common Pleas. Prothonotary. Civil Actions and Legal Proceedings.*

1. Except for the provisions of subsection (g)(1) below, for purposes of 42 Pa.C.S. §§ 3733(a.1) and 3733.1 and section 2802-E of The Administrative Code of 1929 (71 P.S. § 720.102), a statutory fee of [ **seventeen dollars (\$17.00)** ] **nineteen dollars (\$19.00)** shall be imposed on a civil action or legal proceeding in a Court of Common Pleas whenever it is initiated upon the filing of the first legal paper therein of record with the prothonotary [ , **which legal paper may be** ]. **The first legal paper may be any of the following:**

- i. Praecept for a Writ of Summons [ ; ] .
- ii. Complaint [ ; ] .
- iii. Deleted [ ; ] .
- iv. Petition [ ; ] .
- v. Notice of Appeal from a court of limited jurisdiction [ ; or, ] .
- vi. Petition or grant of any other legal paper commencing an action or proceeding authorized by Act of Assembly or rule of court.

2. For purposes of these regulations, the initiation of a civil action or legal proceeding shall include, but is not limited to:

- i. Actions governed by or authorized under the Pennsylvania Rules of Civil Procedure, such as Civil Action Ejectment, Equity, Ground Rent, Mandamus, Mortgage Foreclosure, Partition of Real Property, Quiet Title, Quo Warranto, Replevin, and the Prevention of Waste [ ; ] .
- ii. Actions pertaining to Dependency, Annulments, Divorce, Custody, Partial Custody, [ **Visitation of Minor Children** ] **Alimony Pendente Lite**, Support, and Paternity. With respect to Divorce actions, a separate statutory fee shall be imposed for each count in the complaint in addition to the count requesting divorce [ ; ] .
- iii. Statutory actions such as Confirmation of Arbitration Awards, Conformation of Confessed Judgment, Declaratory Judgment, Opening or Striking Off a Judgment, Eminent Domain, Habeas Corpus, Proceedings on Liens (other than revival), Name Changes, Partition of Property Held by Husband and Wife as Tenants By the Entireties, Tax Sales of Real Property [ ; or, ] .
- iv. Other actions not included in subsections (i), (ii) or (iii), such as: Appeals from Board of Elections, Appeals from Board of Viewers, Appeals from Zoning Boards, and Certiorari to Magisterial District Judges.

(c) *Court of Common Pleas. Orphans' Court Clerk, Register of Wills.*

[ **1.** ] Except for the provisions of subsection (g)(1) below, for purposes of 42 Pa.C.S. §§ 3733(a.1) and 3733.1 and section 2802-E of The Administrative Code of 1929 (71 P.S. § 720.102), a statutory fee of [ **seventeen dollars (\$17.00)** ] **nineteen dollars (\$19.00)** shall be imposed on all petitions for grant of letters, and first filings in petitions concerning adoptions, incapacitated persons' estates, minors' estates, and inter vivos trusts.

(d) *Court of Common Pleas. Clerk of Court.*

1. Except for the provisions of subsection (g)(1) below, for purposes of 42 Pa.C.S. §§ 3733(a.1) and 3733.1 and section 2802-E of The Administrative Code of 1929 (71 P.S. § 720.102), a statutory fee of [ **seventeen dollars (\$17.00)** ] **nineteen dollars (\$19.00)** shall be imposed upon conviction, guilty plea, or when a defendant is granted entry into an Accelerated Rehabilitative Disposition (ARD) or other pretrial diversionary program based upon the initiation of any criminal proceeding. The initiation of a criminal proceeding shall include **the following:**

- i. Cases commenced at the magisterial district judge level resulting in the issuance of a numbered docket transcript form (OTN), and subsequently waived or held to court [ ; ] .
- ii. [ **the** ] **The** appeal of a summary conviction to the Court of Common Pleas [ ; ] .
- iii. [ **cases** ] **Cases** involving juvenile defendants where a petition alleging delinquency has been filed in the Court of Common Pleas [ ; ] .
- iv. [ **cases** ] **Cases** involving juvenile defendants certified to the Court of Common Pleas, resulting in the issuance of a numbered docket transcript form (OTN) [ ; and ] .

v. [ **cases** ] **Cases** involving the severance of charges into separate cases resulting in the issuance of one or more additional numbered docket transcripts (OTNs).

2. Except for the provisions of subsection (g)(1) below, for purposes of 42 Pa.C.S. §§ 3733(a.1) and 3733.1 and section 2802-E of The Administrative Code of 1929 (71 P.S. § 720.102), a statutory fee of [ **seventeen dollars (\$17.00)** ] **nineteen dollars (\$19.00)** shall be imposed for each filing of a deed, mortgage or property transfer for which a fee, charge or cost is now authorized. The documents identified as meeting the above conditions are listed below. The list is not exclusive; other filings for which a fee is imposed and that can be considered a property transfer are included, and the fee shall be imposed. Subject to later amendment, the following documents have been identified as meeting the statutory provisions:

- i. Deeds in any form [ ; ] .
- ii. Mortgages [ ; ] .
- iii. Mortgage assignments [ ; ] .
- iv. Mortgage releases [ ; ] .
- v. Mortgage satisfaction pieces [ ; ] .
- vi. Installment sales agreements [ ; ] .
- vii. Leases for a term of thirty (30) years or longer [ ; ] .
- viii. Easements [ ; and ] .
- ix. Rights of Way.



(e) *Minor Judiciary. Civil and Criminal Proceedings.*

[ 1. ] For purposes of 42 Pa.C.S. §§ 3733(a.1) and 3733.1, and section 2802-E of The Administrative Code of 1929 (71 P.S. § 720.102), a statutory fee of [ **seventeen dollars (\$17.00)** ] **nineteen dollars (\$19.00)** shall be imposed on the initiation of a legal proceeding except as provided in subsection (iii). The initiation of a legal proceeding, in the following courts of the Minor Judiciary, shall include, but is not limited to, the following:

i. *Magisterial District Judge. Civil Actions.* Except for the provisions of subsection (g)(1) below, a statutory fee of [ **seventeen dollars (\$17.00)** ] **nineteen dollars (\$19.00)** shall be imposed in connection with the filing of a complaint in Trespass and Assumpsit or for the Recovery of Possession of Real Property (Landlord and Tenant Proceeding) or for any other Civil Action as provided in the Rules of Civil Procedure Governing Actions and Proceedings before Magisterial District Judges.

ii. *Magisterial District Judge. Criminal Actions.* Except for the provisions of subsection (g)(1) below, a statutory fee of [ **seventeen dollars (\$17.00)** ] **nineteen dollars (\$19.00)** shall be imposed upon a conviction, guilty plea or when a defendant is granted entry into an Accelerated Rehabilitative Disposition (ARD) or any other pretrial diversionary program based upon the filing of a criminal complaint or non-traffic citation charging an offense classified as misdemeanor or summary under a state statute or local ordinance as provided in the Pennsylvania Rules of Criminal Procedure.

iii. *Magisterial District Judge, Pittsburgh Municipal Court, and Philadelphia Municipal Court. Title 75 Summary Offenses Initiated by Traffic Citation.* Except for the provisions of subsection (g)(2) below, a statutory fee of [ **ten dollars (\$10.00)** ] **twelve dollars (\$12.00)** shall be imposed upon a conviction or guilty plea based upon the filing of a traffic citation charging a violation of Title 75 (relating to vehicles) offense classified as summary under a state statute or local ordinance as provided in the Pennsylvania Rules of Criminal Procedure.

iv. *Pittsburgh Municipal Court. Civil Actions.* Except for the provisions of subsection (g)(1) below, a statutory fee of [ **seventeen dollars (\$17.00)** ] **nineteen dollars (\$19.00)** shall be imposed in connection with the filing of a civil complaint seeking recovery of fines and penalties imposed by an ordinance of the City of Pittsburgh or by any ordinance or regulation relating to housing and health administered and enforced by the county health department where the violation occurs within the City of Pittsburgh.

v. *Pittsburgh Municipal Court. Criminal Actions.* Except for the provisions of subsection (g)(1) below, a statutory fee of [ **seventeen dollars (\$17.00)** ] **nineteen dollars (\$19.00)** shall be imposed upon a conviction, guilty plea or when a defendant is granted entry into an Accelerated Rehabilitative Disposition (ARD) or any other pretrial diversionary program based upon the filing of a criminal complaint or non-traffic citation charging an offense classified as misdemeanor or summary under state statute or local ordinance as provided for in the Pennsylvania Rules of Criminal Procedure.

vi. *Philadelphia Municipal Court. Civil Actions.* Except for the provisions of subsection (g)(1) below, a statutory fee of [ **seventeen dollars (\$17.00)** ] **nineteen dollars (\$19.00)** shall be imposed in connection with the filing of a complaint for a Civil Action, as defined in the Philadelphia Municipal Court Rules of Civil Procedure.

vii. *Philadelphia Municipal Court. Criminal Actions.* Except for the provisions of subsection (g)(1) below, a statutory fee of [ **seventeen dollars (\$17.00)** ] **nineteen dollars (\$19.00)** shall be imposed upon conviction, guilty plea or when a defendant is granted entry into an Accelerated Rehabilitative Disposition (ARD) or any other pretrial diversionary program based upon the filing of a criminal complaint or non-traffic citation charging an offense classified as misdemeanor or summary under state statute or local ordinance as provided for in the Pennsylvania Rules of Criminal Procedure.

(f) *Recorders of Deeds.*

Except for the provisions of subsection (g)(1) below, for purposes of 42 Pa.C.S. §§ 3733(a.1) and 3733.1[ , ] and section 2802-E of The Administrative Code of 1929 (71 P.S. § 720.102), a statutory fee of [ **seventeen dollars (\$17.00)** ] **nineteen dollars (\$19.00)** shall be imposed for each filing of a deed, mortgage or property transfer for which a fee, charge or cost is now authorized. The documents identified as meeting the above conditions are listed below. The list is not exclusive; other filings for which a fee is imposed and that can be considered a property transfer are included, and the fee shall be imposed. Subject to later amendment, the following documents have been identified as meeting the statutory provisions:

- i. Deeds in any form [ ; ],
- ii. Mortgages [ ; ],
- iii. Mortgage assignments [ ; ],
- iv. Mortgage releases [ ; ],
- v. Mortgage satisfaction pieces [ ; ],
- vi. Installment sales agreements [ ; ],
- vii. Leases for a term of thirty (30) years or longer [ ; ],
- viii. Easements [ ; and ],
- ix. Rights of Way.

(g) *Temporary Surcharge.*

1. Beginning [ **October 30, 2017** ] **July 1, 2019**, and until December 31, 2020, for purposes of section 2802-E of The Administrative Code of 1929 (71 P.S. § 720.102) and section 1795.1-E of The Fiscal Code (72 P.S. § 1795.1-E), a temporary surcharge of [ **twenty-three** ] **twenty-one** dollars and twenty-five cents [ **(\$23.25)** ] **(\$21.25)** shall be collected by all collectors of the JCS/ATJ/CJEA fee to supplement the [ **seventeen (\$17.00)** ] **nineteen dollars (\$19.00)** statutory fee described above. This temporary surcharge may not be imposed upon a conviction or guilty plea based upon the filing of a traffic citation charging a Title 75 (relating to vehicles) offense classified as summary under a state statute or local ordinance as provided in the Pennsylvania Rules of Criminal Procedure.

2. *Magisterial District Judge, Pittsburgh Municipal Court, and Philadelphia Municipal Court. Title 75 Summary Offenses Initiated by Traffic Citation.* Beginning [ **October 30, 2017** ] **July 1, 2019**, and until December 31, 2020, for purposes of Section 1795.1-E of [ **the** ] **The** Fiscal Code (72 P.S. § 1795.1-E), a temporary surcharge of [ **twelve dollars (\$12.00)** ] **ten dollars (\$10.00)** shall be collected to supplement the [ **ten dollars (\$10.00)** ] **twelve dollars (\$12.00)** statutory fee imposed upon a

conviction or guilty plea based upon the filing of a traffic citation charging a violation of Title 75 (relating to vehicles) offense classified as summary under a state statute or local ordinance as provided in the Pennsylvania Rules of Criminal Procedure.

[Pa.B. Doc. No. 19-1578. Filed for public inspection October 25, 2019, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### ADAMS COUNTY

#### Rules of Civil Procedure; Administrative Order Number 14 of 2019

##### Order of Court

*And Now*, this 1st day of October, 2019, *It Is Hereby Ordered* that Adams County Rules of Civil Procedure 1915.3(a)(5) is *Amended* as follows:

##### **Rule 1915.3. Commencement of Action. Complaint. Order.**

(a) *Commencement of an Action. Filing.*

(5) The moving party shall pay the requisite filing fee and conciliator's fee upon the filing of a custody complaint or petition for modification of a custody order. A conciliator's fee shall not be paid with the filing of a petition to intervene or a petition for contempt for disobedience of a custody order, unless said petition is filed contemporaneously with a custody complaint or a petition for modification of custody. **A conciliator's fee shall not be paid if a stipulated agreement is filed contemporaneously with a custody complaint or petition for modification of custody.**

*It Is Further Directed* that:

a. One copy of this Order shall be forwarded to the Administrative Office of the Pennsylvania Courts via e-mail to [adminrules@pacourts.us](mailto:adminrules@pacourts.us) and to [RulesCommittees@pacourts.us](mailto:RulesCommittees@pacourts.us).

b. Upon notification from the AOPC that the local rule is not inconsistent with State Rules, file two (2) certified

paper copies and one (1) electronic copy in a Microsoft Word format to [bulletin@palrb.us](mailto:bulletin@palrb.us) with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;

c. A copy of the proposed local rule(s) shall be published on the 51st Judicial District website;

d. This Order shall be filed in the Office of the Prothonotary of Adams County and a copy thereof shall be available at the Office of the Prothonotary and the Adams County Law Library for inspection and copying;

e. The effective date of the local rule change described herein shall be 30 days after publication in the *Pennsylvania Bulletin*.

*By the Court*

MICHAEL A. GEORGE,  
*President Judge*

[Pa.B. Doc. No. 19-1579. Filed for public inspection October 25, 2019, 9:00 a.m.]

## DISCIPLINARY BOARD OF THE SUPREME COURT

### Notice of Disbarment

Notice is hereby given that Peter Jonathan Cresci (# 65175), having been disbarred in New Jersey, the Supreme Court of Pennsylvania issued an Order on October 8, 2019, disbaring Peter Jonathan Cresci from the Bar of this Commonwealth, effective November 7, 2019. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

MARCEE D. SLOAN,  
*Board Prothonotary*

[Pa.B. Doc. No. 19-1580. Filed for public inspection October 25, 2019, 9:00 a.m.]