

THE COURTS

Title 255—LOCAL COURT RULES

DAUPHIN COUNTY

Local Rules of Criminal Procedure, Rule 202; No. CP-22-MD-416-2020

Order of Court

And Now, this 4th day of March, 2020, Dauphin County Local Rule of Criminal Procedure 202 is amended as follows:

The District Attorney of Dauphin County, having filed a certification pursuant to Pa.R.Crim.P. 202, search warrants arising out of an investigation of any of the following offenses:

- (1) Corrupt organizations in violation of 18 Pa.C.S.A. § 911;
- (2) Criminal homicide in violation of 18 Pa.C.S. § 2501;
- (3) Murder in any degree in violation of 18 Pa.C.S. § 2502;
- (4) Voluntary manslaughter in violation of 18 Pa.C.S. § 2503;
- (5) Involuntary manslaughter in violation of 18 Pa.C.S. § 2504;
- (6) Causing or aiding suicide in violation of 18 Pa.C.S. § 2505;
- (7) Drug delivery resulting in death in violation of 18 Pa.C.S. § 2506;
- (8) Criminal homicide of unborn child in violation of 18 Pa.C.S. § 2603;
- (9) Murder in any degree of unborn child in violation of 18 Pa.C.S. § 2604;
- (10) Voluntary manslaughter of unborn child in violation of 18 Pa.C.S. § 2605;
- (11) Aggravated assault of unborn child in violation of 18 Pa.C.S. § 2606;
- (12) Arson and related offenses in violation of 18 Pa.C.S.A. § 3301;
- (13) Dealing in proceeds of illegal activity in violation of 18 Pa.C.S.A. § 5111;
- (14) Homicide by vehicle in violation of 75 Pa.C.S. § 3732;
- (15) Homicide by vehicle while driving under influence in violation of 75 Pa.C.S. § 3735;
- (16) Aggravated assault by vehicle while driving under influence in violation of 75 Pa.C.S. § 3735.1;
- (17) Rape in violation of 18 Pa.C.S. § 3121;
- (18) Statutory sexual assault in violation of 18 Pa.C.S. § 3122.1;
- (19) Involuntary deviate sexual intercourse in violation of 18 Pa.C.S. § 3123;
- (20) Sexual assault in violation of 18 Pa.C.S. § 3124.1;
- (21) Institutional sexual assault in violation of 18 Pa.C.S. § 3124.2;
- (22) Aggravated indecent assault in violation of 18 Pa.C.S. § 3125;

(23) Criminal attempt, criminal solicitation, or criminal conspiracy to commit any of the above offenses

shall not hereafter be issued by any judicial officer unless the search warrant application has the approval of an attorney for the Commonwealth prior to filing.

In addition, any search warrant application involving the search for electronically stored data of any type, including but not limited to search warrants for mobile telephones, computers, other electronic devices, USB drives, external hard drives, remotely stored data and social media accounts, shall not hereafter be issued by any judicial officer unless the search warrant application has the approval of an attorney for the Commonwealth prior to filing.

The amendment shall be effective 30 days after publication in the *Pennsylvania Bulletin*.

By the Court

JOHN F. CHERRY,
President Judge

[Pa.B. Doc. No. 20-404. Filed for public inspection March 20, 2020, 9:00 a.m.]

Title 255—LOCAL COURT RULES

DAUPHIN COUNTY

Local Rules of Criminal Procedure, Rule 507; No. CP-22-MD-417-2020

Order of Court

And Now, this 4th day of March, 2020, Dauphin County Local Rule of Criminal Procedure 507 is amended as follows:

The District Attorney of Dauphin County, having filed a certification pursuant to Pa.R.Crim.P. 507, criminal complaints and arrest warrant affidavits by police officers as defined in the Rules of Criminal Procedure charging:

- (1) Corrupt organizations in violation of 18 Pa.C.S.A. § 911;
- (2) Criminal homicide in violation of 18 Pa.C.S. § 2501;
- (3) Murder in any degree in violation of 18 Pa.C.S. § 2502;
- (4) Voluntary manslaughter in violation of 18 Pa.C.S. § 2503;
- (5) Involuntary manslaughter in violation of 18 Pa.C.S. § 2504;
- (6) Causing or aiding suicide in violation of 18 Pa.C.S. § 2505;
- (7) Drug delivery resulting in death in violation of 18 Pa.C.S. § 2506;
- (8) Criminal homicide of unborn child in violation of 18 Pa.C.S. § 2603;
- (9) Murder in any degree of unborn child in violation of 18 Pa.C.S. § 2604;
- (10) Voluntary manslaughter of unborn child in violation of 18 Pa.C.S. § 2605;

(11) Aggravated assault of unborn child in violation of 18 Pa.C.S. § 2606;

(12) Arson and related offenses in violation of 18 Pa.C.S.A. § 3301;

(13) Dealing in proceeds of illegal activity in violation of 18 Pa.C.S.A. § 5111;

(14) Homicide by vehicle in violation of 75 Pa.C.S. § 3732;

(15) Homicide by vehicle while driving under influence in violation of 75 Pa.C.S. § 3735;

(16) Aggravated assault by vehicle while driving under influence in violation of 75 Pa.C.S. § 3735.1;

(17) Rape in violation of 18 Pa.C.S. § 3121;

(18) Statutory sexual assault in violation of 18 Pa.C.S. § 3122.1;

(19) Involuntary deviate sexual intercourse in violation of 18 Pa.C.S. § 3123;

(20) Sexual assault in violation of 18 Pa.C.S. § 3124.1;

(21) Institutional sexual assault in violation of 18 Pa.C.S. § 3124.2;

(22) Aggravated indecent assault in violation of 18 Pa.C.S. § 3125;

(23) Criminal attempt, criminal solicitation, or criminal conspiracy to commit any of the above offenses

(24) Any offense arising out of an incident for which the District Attorney of Dauphin County has given written notice to the investigating agency of his intent to review any charges brought in connection with that incident prior to filing.

shall not hereafter be issued by any judicial officer unless the complaint and affidavit have the approval of an attorney for the Commonwealth prior to filing.

The amendment shall be effective 30 days after publication in the *Pennsylvania Bulletin*.

By the Court

JOHN F. CHERRY,
President Judge

[Pa.B. Doc. No. 20-405. Filed for public inspection March 20, 2020, 9:00 a.m.]

Title 255—LOCAL COURT RULES

LEBANON COUNTY

Rules of Criminal Procedure; Administrative Order No. 2 of 2020; Doc. No. 2020-00021

Order of Court

And Now, this 27th day of February, 2020, in compliance with Rule 112 of the Pennsylvania Rules of Criminal Procedure, it is *Hereby Ordered* that the Court adopts the following Rule of Criminal Procedure Rule 112 regarding Publicity, Broadcasting, and Recording of Proceedings which becomes effective April 1, 2020.

The District Court Administrator is *Hereby Ordered* to:

1. File one certified copy of this Order with the Administrative Office of Pennsylvania Courts to adminrules@pacourts.us;

2. Submit two paper copies of this Order to the Legislative Reference Bureau and one electronic copy in Microsoft Word format only to bulletin@palrb.us for publication in the *Pennsylvania Bulletin*;

3. Provide one copy of this Order to the members of the Lebanon County Bar Association;

4. Incorporate the Rule into the set of Local Rules within thirty (30) days of publication of the Local Rule in the *Pennsylvania Bulletin* and publish the rules on the Court's website at www.lebanoncounty.org.

5. File this Order in the Prothonotary's Office of Lebanon County.

Rule of Criminal Procedure 112. Publicity, Broadcasting, and Recording of Proceedings.

A. The taking of photographs, including video pictures and recording, and the use of audio and video broadcast and audio recording equipment and any other device capable of capturing or transmitting sound or images, in a courtroom or hearing room or its environs during the progress of or in connection with any action, whether or not court is actually in session, is prohibited.

B. *Environs Defined*: Environs of a courtroom or hearing room shall include the entire floor on which is located any courtroom, hearing room, jury room, grand jury room, sheriff's office, Prothonotary's or Clerk of Court's office, office of the District Attorney, or any lockup or prisoner holding area. Environs also includes the corridor or lobby on the main floor or street floor, any elevator area constituting an interior entrance area to the building of any courtroom or hearing room.

C. *Recording Devices and Cellular Telephone Prohibited*: Cameras, cellular telephones, portable electronic data devices and any other device capable of capturing or transmitting images or sound are prohibited inside of the Lebanon County Courthouse unless powered off and contained inside an approved locking bag.

1. *Employee Exception*: The prohibition in Section C above shall not apply to those individuals employed by the Court or County in the Courthouse, a Magisterial District Court, Probation Services or Domestic Relations, who clearly display an identification badge issued by the County of Lebanon, provided, however, that the device shall be in a "silent" or "vibrate only" mode when the employee enters a courtroom, hearing room or grand jury room.

2. *Attorney Exception*: The prohibition in Section C above shall not apply to an attorney at law who enters the Courthouse on business related to the representation of a client, provided, however, the device shall be powered off when the attorney enters a courtroom or hearing room.

3. *Emergency Responder Exception*: The prohibition in Section C above shall not apply to emergency medical or other personnel responding to a call within the Courthouse.

4. *Juror Exception*: The prohibition in Section C above shall not apply to jurors summoned by Court Administration on jury selection day.

5. *Evidence Exception*: The prohibition in Section C above shall not apply to the use of such devices for the purpose of presenting evidence in any court proceeding at the discretion of the presiding judge or hearing officer.

6. *Law Enforcement Exception*: The prohibition in Section C above shall not apply to a member of law enforcement who provides proper identification and is on

business related to a case before the Court and/or a meeting with the Office of the District Attorney. However, the device shall be powered off when the member of law enforcement enters a courtroom or hearing room.

D. *Special Proceedings*: In the discretion of the President Judge, photographing, making video or audio recordings, televising or broadcasting any special proceedings such as investiture, naturalization or ceremonial proceedings, in a courtroom or its environs may be permitted under such conditions as the President Judge may prescribe.

E. *Stenographic Recordings*: Except as permitted by law or rule of Court, the recording by any means of any judicial proceeding by anyone other than the official court stenographer in a court case, for any purpose, is prohibited.

F. *Special Permission*: The President Judge may, upon application, make exception to the prohibitions contained in this Rule under such circumstances and subject to such conditions as the President Judge may prescribe.

1. The application shall include the reason for the request, the type of electronic medium intended to be used, the locations at which the electronic medium is to be used, and the date and times of the day for which the exception is being sought.

2. If the exception is sought in connection with any judicial proceeding, the caption and case number of the proceeding shall be included in the application.

G. *Special Cases*: The court may make such orders as may be necessary in connection with any specific case to protect the rights of all parties and the public.

H. *Enforcement*: The Lebanon County Sheriff's Office enforce the provisions of this Rule. Violation of this order may result in legal sanctions, fines and/or contempt of court. The Sheriff of Lebanon County or any designated Court representative is hereby authorized to confiscate any equipment having the capability of audio or visual recording, taking photographs broadcasting, televising, or transmitting audio or visual images by any means, which is possessed in violation of this order. Said device or equipment shall be returned to its owner at conclusion of the court session.

By the Court

JOHN C. TYLWALK,
President Judge

[Pa.B. Doc. No. 20-406. Filed for public inspection March 20, 2020, 9:00 a.m.]