

THE COURTS

Title 201—RULES OF JUDICIAL ADMINISTRATION

[201 PA. CODE CH. 6]

Title 207—JUDICIAL CONDUCT

PART II. CONDUCT STANDARDS

[207 PA. CODE CH. 51]

Title 246—MINOR COURT CIVIL RULES

PART I. GENERAL

[246 PA. CODE CH. 100]

Order Amending Rule 605 of the Pennsylvania Rules of Judicial Administration and Rule 2.1 of the Rules Governing Standards of Conduct of Magisterial District Judges and Rescinding Rule 103 of the Rules and Standards with Respect to Offices of Magisterial District Judges

Order

Per Curiam

And Now, this 14th day of April, 2021, it is Ordered, pursuant to Article V, Section 10 of the Constitution of Pennsylvania, that Rule 605 of the Pennsylvania Rules of Judicial Administration and Rule 2.1 of the Rules Governing Standards of Conduct of Magisterial District Judges are amended, and Rule 103 of the Rules and Standards with Respect to Offices of Magisterial District Judges is rescinded, in the following form.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 amendments is found to be in the interests of justice and efficient administration.

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

Annex A

TITLE 201. RULES OF JUDICIAL ADMINISTRATION

CHAPTER 6. MAGISTERIAL DISTRICT JUDGES

Rule 605. Supervision of [magisterial district courts by president judges] Magisterial District Courts by President Judges.

[(A) The president judge of the court of common pleas of a judicial district shall exercise general supervision and administrative authority over magisterial district courts within the judicial district.

(B) The president judge's administrative authority over magisterial district courts within the judicial district includes but is not limited to, and shall be governed by, the following:

(1) *Records*—The president judge may designate a person to maintain personnel and other records in such form as directed by the president judge or required by general or local rule.

(2) *Meetings with Magisterial District Judges*—The president judge may require the attendance of magisterial district judges in the judicial district, individually or collectively, at meetings with the president judge or his or her representative.

(3) *Staff in the Magisterial District Courts*—

(a) Except where minimum job qualifications for staff in magisterial district courts are prescribed by the Supreme Court of Pennsylvania, the president judge may prescribe minimum job qualifications for staff in the magisterial district courts in the judicial district.

(b) The president judge may establish a classification system and job descriptions for all authorized staff in the magisterial district courts in the judicial district. The president judge may establish general procedures regarding the hiring, firing, supervision, and discipline of all authorized staff in the magisterial district courts in the judicial district.

(c) Subject to subparagraphs (a) and (b) above, magisterial district judges

(i) shall be responsible for the management of authorized staff in his or her court;

(ii) shall assign work among authorized staff in his or her court, and;

(iii) may select one authorized staff member as personal staff.

(d) In the interest of efficient administration of the judicial district, the president judge may

(i) transfer or reassign a staff member, other than personal staff who may be transferred or reassigned only with the consent of the magisterial district judge, from one magisterial district court in the judicial district to another, and;

(ii) hire and assign, as appropriate, temporary or floater staff.

(e) The president judge may establish a system of performance evaluation for staff in the magisterial district courts in the judicial district.

(f) The president judge may prescribe initial and ongoing training for staff in the magisterial district courts in the judicial district.

(4) *Magisterial District Judge Leave: Coverage During Leave*—

(a) The president judge may coordinate leave for magisterial district judges in the judicial district to assure access to justice and judicial resources.

(b) Subject to the provisions of subparagraph (a) above, magisterial district judges shall enjoy autonomy with respect to choosing when to take leave, subject to reasonable coordination by the president judge with the schedules of the other magisterial district judges in the judicial district.

(5) *Office hours*—In consultation with the magisterial district judges, the president judge may designate the ordinary hours of magisterial district courts in the judicial district in accordance with Rule 103 of the Rules and Standards with Respect

to Offices of Magisterial District Judges and the efficient administration of justice.

(6) *Temporary Assignments: Transfer of Cases*—In consultation with the affected magisterial district judge(s), the president judge may order temporary assignments of magisterial district judges or reassignment of cases or certain classes of cases to other magisterial districts within the judicial district or to central courts within the judicial district.

(7) *Conduct of Magisterial District Judges*—When a complaint is received with respect to the conduct of a magisterial district judge, the president judge may, in his or her discretion, review the matter with the affected magisterial district judge and take any action the president judge deems appropriate to assure the efficient administration of justice including, where warranted, informing the appropriate disciplinary authority. Contemporaneous notice of any such action taken by the president judge resulting in reassignment of cases or otherwise affecting the duties of the magisterial district judge shall be given to the Supreme Court of Pennsylvania and the Court Administrator of Pennsylvania.

(8) *Procedural Audits*—The president judge may direct that procedural audits of a magisterial district court be conducted to assure compliance with general and local rules, administrative policies and procedures, and the clerical procedures adopted by the Administrative Office of Pennsylvania Courts for management of cases in the Magisterial District Judge System. Such procedural audits shall be separate from the fiscal audits conducted by the county controller or state Auditor General which shall be limited in scope to the accounts of the magisterial district judge. Such procedural audits may be conducted by the district court administrator, an outside independent auditor, or such other person as the president judge may designate.

Official Note: The text of this rule is taken from Rule 17 of the Rules Governing Standards of Conduct for Magisterial District Judges, rescinded March 26, 2015, effective immediately.

This rule recognizes that magisterial district judges are the judicial officials charged with the legal and administrative responsibilities within their respective magisterial districts. Designed to further the efficient and effective administration of justice in the unified judicial system, this Rule contemplates a cooperative approach to the administration of the magisterial district courts, acknowledging judicial independence and the supervisory role of the president judges.

Rule 17 was amended in 2003 to more specifically outline the authority, powers, and responsibilities of the president judges with regard to management of the magisterial district judge system. In so doing, however, it was not intended that this be an exclusive list of powers and responsibilities, nor was it intended to limit the president judges' authority to the areas listed. Given the diverse needs of judicial districts throughout Pennsylvania, how president judges exercise this authority will recognizably be varied. In general, president judges have broad authority with regard to management of the magisterial district courts, but it seemed advisable that certain areas of authority and responsibility be specifically defined.

With regard to paragraph (B)(2), president judges or their representatives are encouraged to meet regularly with the magisterial district judges in the judicial district to foster and maintain open lines of communication regarding the management of the magisterial district judge system.

The term "authorized staff" as used in this Rule means staff positions that have been approved, funded, and hired in accordance with all applicable personnel policies and procedures.

Paragraphs (B)(3)(c) and (B)(4)(b) limit the president judges' authority in certain areas that are within the magisterial district judges' discretion. With regard to paragraph (B)(3)(c), see 42 Pa.C.S. §§ 102 and 2301(a)(1), and Canon 2, Rules 2.3(B), 2.8(B), 2.9(A)(3) and (D), 2.10(C), 2.12 and 2.13 of the Rules Governing Standards of Conduct of Magisterial District Judges. With regard to paragraph (B)(4)(b), see Canon 2, Rules 2.1 and 2.5, and Canon 3, Rules 3.1(A), 3.7(A)—(B), 3.8, 3.9, and 3.11(C) of the Rules Governing Standards of Conduct of Magisterial District Judges.

Paragraph (B)(3)(d)(i) gives president judges authority to transfer or reassign magisterial district court staff as needed, except for personal staff as provided in paragraph (B)(3)(c), who may be transferred or reassigned only with the consent of the affected magisterial district judge. It is contemplated that president judges would consult with and give sufficient notice to the affected magisterial district judges before making transfers.

Nothing in paragraph (B)(3)(f) is intended to circumvent any training program established or required by the Supreme Court of Pennsylvania or the Court Administrator of Pennsylvania.

As to paragraph (B)(6), compare Pa.R.Crim.P. 131(B), relating to central locations for preliminary hearings and summary trials. In addition, if the judicial district is part of a regional administrative unit, magisterial district judges may be assigned to any other judicial district in the unit. See Rule 701(E).

Nothing in paragraph (B)(7) is intended to contradict or circumvent the constitutionally established process for the suspension, removal, and discipline of magisterial district judges. See Pa. Const. art. V § 18; see also 207 Pa. Code Part III (Judicial Conduct Board Rules of Procedure) and Part IV (Court of Judicial Discipline Rules of Procedure). President judges do not have authority to suspend or discipline magisterial district judges.]

In the interest of efficient administration of the judicial district, the president judge of the court of common pleas of a judicial district shall exercise general supervision and administrative authority over magisterial district courts within the judicial district. The administrative authority of the president judge over magisterial district courts within the judicial district includes, but is not limited to, and shall be governed by, the following:

(A) Administration of District Courts.

(1) Records—Personnel and other records shall be maintained in such form as directed by the president judge or required by general or local rule.

(2) Staff in the Magisterial District Courts—

(a) The president judge, in the interest of efficient administration of the judicial district:

(i) retains the final authority to hire, supervise, and fire staff in the magisterial district courts in the judicial district. In accordance with such authority, the president judge may establish minimum qualifications, a classification system and job description for all authorized staff, and general procedures regarding the hiring, firing, supervision, and discipline of all authorized staff;

(ii) may transfer or reassign staff members from one court to another. Ordinarily, such transfer or reassignment should occur only after consultation with the magisterial district judges involved. Absent extraordinary circumstances, the president judge may transfer or reassign personal staff only with the consent of the magisterial district judge;

(iii) may assign, as appropriate, temporary or floater staff;

(iv) may establish performance evaluations and procedures for staff, including personal staff, in the magisterial district courts in the judicial district which shall be utilized by the magisterial district judges; and

(v) may prescribe training for staff in the magisterial district courts in the judicial district.

(b) The magisterial district judge, subject to the provisions set forth above and in the interest of the efficient administration of the judicial district:

(i) may select one authorized staff member as personal staff and assign the duties of the personal staff;

(ii) shall have general day-to-day supervisory authority, in coordination with county court administration and the court's human resources designee, over the staff in his or her court, and ordinarily shall participate in the selection, hiring, disciplining and firing of court staff;

(iii) shall be responsible for the daily operation of his or her court in accordance with the Rules Governing Standards of Conduct of Magisterial District Judges and any state or local rules or administrative orders; and

(iv) shall be responsible for the assignment of work in accordance with job descriptions among authorized staff in his or her court.

(3) Office Hours—The president judge may designate the hours that the magisterial district courts shall be open for official business in the judicial district. The approved office hours shall be posted in a conspicuous place on the premises in which the office is located and posted on the judicial district's website.

(4) Procedural Audits—The president judge may direct that procedural audits of a magisterial district court be conducted to assure compliance with general and local rules, administrative policies and procedures, and the clerical procedures adopted by the Administrative Office for management of cases in the Magisterial District Judge System. Such procedural audits shall be separate from the fiscal audits conducted by the county controller or state Auditor General, which shall be limited in scope to the accounts of the magisterial district judge. Such procedural audits may be conducted by the district

court administrator, an outside independent auditor, or such other person as the president judge may designate.

(5) Temporary Assignments: Transfer of Cases—In consultation with the affected magisterial district judge(s), the president judge may order temporary assignments of magisterial district judges or reassignment of cases or certain classes of cases to other magisterial districts within the judicial district or central courts within the judicial district.

(B) Supervision of Magisterial District Judges.

(1) Meetings with Magisterial District Judges—The president judge may require the attendance of magisterial district judges in the judicial district, individually or collectively, at meetings with the president judge or his or her representative.

(2) Magisterial District Judge Leave: Coverage During Leave—To ensure access to the courts and the efficient use of judicial resources, the president judge may establish a policy in the judicial district that requires magisterial district judges to provide reasonable advance notice of their leave, except when leave must be taken due to exigent circumstances, in which case, magisterial district judges shall notify the president judge, or designee as promptly as possible. Subject to reasonable coordination with the president judge and any policy promulgated by the president judge, and with regard to the schedules of the other magisterial district judges in the judicial district, magisterial district judges shall enjoy autonomy with respect to choosing when to take leave.

(3) Conduct of Magisterial District Judges—When a complaint is received with respect to the conduct of a magisterial district judge, the president judge may, in his or her discretion, review the matter with the affected magisterial district judge and take any action the president judge deems appropriate to ensure the efficient administration of justice, including, where warranted, informing the appropriate disciplinary authority. Contemporaneous notice of any such action taken by the president judge resulting in reassignment of cases or otherwise affecting the duties of the magisterial district judge shall be given to the Court Administrator.

Official Note: The substance of this rule was taken from Rule 17 of the Rules Governing Standards of Conduct of Magisterial District Judges, rescinded March 26, 2015.

The Pennsylvania Constitution vests the Supreme Court with supervisory and administrative authority of the Unified Judicial System, including the power to prescribe general rules governing the practice, procedure, conduct, and administration of all courts, as well as the supervision of all officers of the Judicial Branch. Through this rule, the Supreme Court delegates general supervision and administrative authority over the magisterial district courts in a judicial district to the president judge. While the president judge, as in other matters, may delegate certain tasks to colleagues or administrators, the ultimate responsibility rests with the president judge.

This rule recognizes that magisterial district judges are the judicial officials charged with the legal and administrative responsibilities within

their respective magisterial districts. Designed to further the efficient and effective administration of justice in the Unified Judicial System, this rule contemplates a cooperative approach to the administration of the magisterial district courts, acknowledging the supervisory role of the president judges to administer the magisterial district judge courts within their judicial district. See Canon 2, Rule 2.5 of the Rules Governing Standards of Conduct of Magisterial District Judges (requiring a magisterial district judge to cooperate with other magisterial district judges and court officials in the administration of court business).

Rule 605 was amended in 2021 to more specifically outline the authority, powers, and responsibilities of the president judge with regard to the management of the magisterial district courts. In so doing, however, it was not intended that this be an exclusive list of powers and responsibilities. Given the diverse needs of judicial districts throughout Pennsylvania, how president judges exercise this authority appropriately will vary. In general, president judges have broad authority with regard to the management of the magisterial district courts.

The term “authorized staff” as used in this rule means staff positions that have been approved and assigned by the president judge in accordance with all applicable personnel policies and procedures.

Paragraph (A)(2)(a)(i) gives president judges final authority to hire, supervise, and fire staff in the magisterial district courts in the judicial district. Consistent with the contemplated cooperative approach to the administration of the magisterial district courts, president judges should endeavor to involve the affected magisterial district judges in the relevant decisions, subject to the requirements of the remainder of paragraph (A)(2).

Paragraph (A)(2)(a)(ii) gives president judges authority to transfer or reassign magisterial district court staff as needed. It is contemplated that president judges will consult with and give sufficient notice to the affected magisterial district judges before making any staff transfers. However, extraordinary circumstances at times may require a president judge to exercise his or her authority to transfer or reassign magisterial district court staff, including personal staff, without consultation with the magisterial district judge. For example, the president judge is responsible for ensuring compliance with the Unified Judicial System’s Policy on Non-Discrimination and Equal Employment Opportunity and the Code of Conduct for Employees of the Unified Judicial System and may need to enforce these Unified Judicial System policies without consulting the magisterial district judge.

Nothing in paragraph (A)(2)(a)(v) is intended to circumvent any training program established or required by the Supreme Court or the Court Administrator.

With regard to paragraphs (A)(2)(b)(i), (ii) and (iv), see 42 Pa.C.S. §§ 102 and 2301(a)(1), and Canon 2, Rules 2.3(B), 2.8(B), 2.9(A)(3) and (D), 2.10(C), 2.12 and 2.13, of the Rules Governing Standards of Conduct of Magisterial District Judges, relating to the performance of duties of judicial office impartially, competently, and diligently and requiring similar conduct of court staff.

With regard to paragraph (A)(3), see Canon 2, Rule 2.1 of the Rules Governing Standards of Conduct of Magisterial District Judges (Giving Precedence to the Duties of Judicial Office). The provisions of former Pa.R.M.D.J. 103 (Office Schedules) were incorporated into paragraph (A)(3).

As to paragraph (A)(4), see Canon 2, Rule 2.5 of the Rules Governing Standards of Conduct of Magisterial District Judges (Competence, Diligence and Cooperation). The magisterial district judge in any district being audited will cooperate fully and will instruct his or her staff to do likewise.

As to paragraph (A)(5), compare Pa.R.Crim.P. 131(B), relating to central locations for preliminary hearings and summary trials. In addition, if the judicial district is part of a regional administrative unit, magisterial district judges may be assigned to any other judicial district in the unit. See Pa.R.M.D.J. 112 and Pa.R.J.A. No. 701(E).

With regard to paragraph (B)(1), president judges are encouraged to meet regularly with the magisterial district judges in the judicial district to foster and maintain open lines of communication regarding the management of the magisterial district courts.

With regard to paragraph (B)(2), see Canon 2, Rules 2.1 and 2.5 (Giving Precedence to Duties of Judicial Office; Competence, Diligence and Cooperation), and Canon 3, Rules 3.1(A), 3.7(A)-(B), 3.8, 3.10, and 3.11(C), of the Rules Governing Standards of Conduct of Magisterial District Judges, relating to conducting personal and extrajudicial activities to minimize the risk of conflict with the obligations of judicial office.

Nothing in paragraph (B)(3) is intended to contradict or circumvent the constitutionally established process for the suspension, removal, and discipline of magisterial district judges. See Pa. Const. art. V, § 18; see also 207 Pa. Code Part III (Judicial Conduct Board Rules of Procedure) and Part IV (Court of Judicial Discipline Rules of Procedure). Except as provided by law or rule, president judges do not have the authority to suspend or discipline magisterial district judges.

TITLE 207. JUDICIAL CONDUCT

PART II. CONDUCT STANDARDS

CHAPTER 51. STANDARDS OF CONDUCT OF MAGISTERIAL DISTRICT JUDGES

PENNSYLVANIA RULES FOR MAGISTERIAL DISTRICT JUDGES

Canon 2. A magisterial district judge shall perform the duties of judicial office impartially, competently, and diligently.

Rule 2.1. Giving Precedence to the Duties of Judicial Office.

The duties of judicial office, as prescribed by law, shall ordinarily take precedence over a magisterial district judge’s personal and extrajudicial activities.

Comment:

(1) Magisterial district judges shall devote the time necessary for the prompt and proper disposition of the business of their office, which shall be given priority over any other occupation, business, profession, pursuit or activity. A magisterial district judge’s personal and

extrajudicial activities should be arranged so as not to interfere unreasonably with the diligent discharge of the magisterial district judge's duties of office. **See also Pa.R.J.A. No. 605 (Supervision of Magisterial District Courts by President Judges).**

(2) To ensure that magisterial district judges are available to fulfill their judicial duties, magisterial district judges must conduct their personal and extrajudicial activities to minimize the risk of conflicts that would result in frequent disqualification. *See* Canon 3.

(3) Although it is not a duty of judicial office unless prescribed by law, magisterial district judges are encouraged to participate in activities that promote public understanding of and confidence in the administration of justice.

(4) Magisterial district judges shall not use or permit the use of premises established for the disposition of their magisterial business for any other occupation, business, profession or gainful pursuit.

TITLE 246. MINOR COURT CIVIL RULES

PART I. GENERAL

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

Rule 103. Office Schedules [**Rescinded**].

[**The magisterial district judge of each magisterial district shall establish a schedule of regular sessions and hours during which his office or offices will be open for the conduct of business. The schedule will be submitted for approval to the president judge of the court of common pleas of the judicial district in which the office is located, and upon approval shall be posted in a conspicuous place on the premises in which the office is located. The schedules of all magisterial district judges located within a judicial district shall be posted in such place within the court house of that district as the president judge shall designate.]**

Comment:

Provisions of former Rule 103 were incorporated in Pa.R.J.A. No. 605.

[Pa.B. Doc. No. 21-632. Filed for public inspection April 23, 2021, 9:00 a.m.]

Title 255—LOCAL COURT RULES

CHESTER COUNTY

Adoption of Amended Rules of Criminal Procedure

Administrative Order No. 4-2021

And Now, this 2nd day of April, 2021, the following amended Chester County Rules of Criminal Procedure (“amended Rules”) are adopted in their entirety. In accordance with Pennsylvania Rules of Judicial Administration 103(d)(4), these proposed amended Rules were submitted to and approved by the Criminal Procedural Rules Committee of the Supreme Court.

Effective Date

These amended Rules shall become effective thirty (30) days from the date of their publication in the *Pennsylvania Bulletin*.

Procedural Compliance

In conformity with Pa.R.J.A. 103(d), the Chester County Court Administrator shall do the following:

1) Distribute two (2) paper copies of the amended Rules to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, along with a copy of the amended Rules in an agreed upon format which complies with the requirements of 1 Pa. Code § 13.11.

2) File one copy of the amended Rules with the Administrative Office of Pennsylvania Courts.

3) Publish a copy of the amended Rules on the Chester County website.

4) Incorporate the amended Rules in the complete set of the published Chester County Court Rules no later than thirty (30) days following publication in the *Pennsylvania Bulletin*.

By the Court

JOHN L. HALL,
President Judge

CHAPTER 1. SCOPE OF RULES, CONSTRUCTION AND DEFINITIONS, LOCAL RULES

Rule 100. Scope of Local Rules.

These local rules shall govern criminal proceedings in all Chester County Courts, including Courts not of record where applicable. Unless otherwise specifically provided, these local rules shall not apply to juvenile or domestic relations proceedings.

These local rules have been structured and given numbers that are keyed to the numbers of the general rules of the Supreme Court to which the local rules correspond. As these local rules are intended to be a supplement to the general rules of the Supreme Court and Acts of the Assembly, the parties should always consult the corresponding general rules of the Supreme Court and any applicable Act of the Assembly.

Rule 101. Purpose and Construction of Local Rules.

(A) These rules are intended to provide for the just determination of every criminal proceeding.

(B) These rules shall be construed to secure simplicity in procedure, fairness in administration, and the elimination of unjustifiable expense and delay.

(C) To the extent practicable, these rules shall be construed in consonance with the rules of statutory construction.

(D) These rules are intended to be a supplement to the Pennsylvania Rules of Criminal Procedure and Acts of the Assembly, and are not intended to conflict with them.

(E) These rules shall not be construed in any manner that would render them inconsistent with any general rule of the Supreme Court or any Act of the Assembly.

Rule 102. Citing the Chester County Criminal Rules.

These rules shall be known as the Chester County Rules of Criminal Procedure, and shall be cited as “C.C.R.Crim.P. ____.”

PART A

BUSINESS OF THE COURTS

Rule 103. Definitions.

Unless otherwise defined, the words and phrases used in the Chester County Rules of Criminal Procedure shall have the same meaning as the definitions set forth in Pa.R.Crim.P. 103.

Rule 104. Forms.

The Clerk of Courts shall maintain, in each courtroom, forms designated by the President Judge, for use by defendants and by counsel, which shall be updated as to type and content as needed.

Rule 105(A). Violation of Local Rule.

These local rules are procedural and do not create any enforceable substantive rights in any party. No case shall be dismissed nor request for relief granted or denied because of failure to comply with a local rule. In any case of noncompliance with a local rule, the Court shall alert the party to the specific provision at issue and provide a reasonable time for the attorney to comply with the local rule. After the Court has alerted the party to the local rule, the court may impose a sanction for subsequent noncompliance either on counsel, or the defendant, if proceeding pro se, but may not dismiss the case, or grant or deny relief because of noncompliance.

Rule 105(B). Authority of President Judge.

The President Judge of the Court of Common Pleas of Chester County may, by Administrative Regulation, suspend or vacate a local rule under applicable law when it appears that the rule is no longer in conformity with applicable state law.

Nothing in these local rules shall limit the authority of the President Judge to issue Administrative Orders that the President Judge may otherwise have the authority to issue under applicable law.

Rule 105(C). Chester County Criminal Rules Committee.

A criminal procedural rules committee may be established by the President Judge from time to time to study and make recommendations to the Court concerning local procedure in criminal matters and the promulgation and amendment of local rules of criminal procedure. The committee shall consist of a judge of the Court of Common Pleas of Chester County, together with at least four (4) members in good standing of the Bar of the Supreme Court of Pennsylvania, who maintain a principal office for the practice of law in Chester County. The judicial member and two lawyer members of the committee shall be appointed by the President Judge, one representative shall be named by the District Attorney of Chester County and one representative shall be named by the Public Defender of Chester County. All members shall serve at the will of the person appointing them. The President Judge shall select the Chairman of the committee. The committee shall meet and report at the direction of the President Judge, or of the Chairman of the committee.

Rule 105.1(a). Individual Calendars.

When a criminal proceeding is filed with the Clerk of Courts, the Court Administrator's Office shall forthwith assign it to a judge. Said assigned judge shall then be responsible for handling all phases of the assigned case, including but not limited to: Pre-Trial Motions, Trials, Post-Trial Motions and Sentencing, unless otherwise directed by the President Judge.

Rule 105.1(b). Assignment Method.

The Court Administrator in accordance with regulations approved by the President Judge shall make the assignment to a judge. Said regulations shall create a blind rotation system, which balances the caseloads among the judges. The sequence of assignment shall be kept secret

and all steps shall be taken to prevent any person from being able to ascertain the name of the judge to whom any case may be assigned before the assignment.

Rule 105.1(c). Murder and Major Cases; Pre-Assignment.

When a defendant is charged with murder or a major crime in the complaint, upon written request of counsel to the Court Administrator the case may be assigned to a judge before the preliminary hearing.

Rule 105.1(d). Reassignment of Cases.

The President Judge may reassign cases whenever necessary to eliminate conflicts, to promote a balance of the workload among the judges, and to improve prompt and just administration of all cases.

Rule 105.1(e). Consolidation.

Cases that are consolidated for trial after assignment to separate judges will be so consolidated by the Court Administrator's Office.

Rule 105.2. Interpreters.

In all criminal proceedings in Court or before Magisterial District Judges, where either a defendant or a testifying witness so requests, an official interpreter, or an alternate, shall be provided by the Court, through the Court Administrator's Office. It shall be the responsibility of counsel representing the defendant, or calling the witness, to notify the Court Administrator's Office, not less than twenty-four (24) hours in advance of the proceeding, when an interpreter will be needed.

Note: If the Magisterial District Judge is aware that an interpreter will be needed, the Magisterial District Judge should advise the Court Administrator.

Rule 105.3(a). Transport of Prisoners; Out of County.

In any criminal proceeding in which a court appearance by a prisoner housed in a facility out of Chester County will be required, the party, designated by C.C.R.Crim.P. 105.3(c), shall submit to the Court a transport order containing the location of the prisoner and when the prisoner will be needed for court. Once the Court signs the transport order, it shall be filed with the Clerk of Courts and copies provide to the Court Administrator and the Sheriff. The Sheriff shall arrange appropriate transportation of the prisoner. Absent genuine exigency or most unusual circumstances, a request for transport of a prisoner shall be made not less than three (3) days before the scheduled court appearance.

Note: The Court Administrator can issue a per curiam transport order if the prisoner is housed in a county facility. However, if the prisoner is housed in a state facility, the transport order requires a judicial signature.

Rule 105.3(b). Transport of Prisoners; County Prisoners.

In any criminal proceeding in which a court appearance by a prisoner housed by Chester County Prison will be required, the party, designated by C.C.R.Crim.P. 105.3(c), shall contact the Chester County Sheriff and request that the prisoner be transported. The Sheriff shall be provided with the name of the prisoner, the prisoner's identification number or date of birth, and the time and location of the appearance. Absent genuine exigency or most unusual circumstances, a request for transport of a prisoner shall be made not less than one (1) day before the scheduled court appearance.

Rule 105.3(c). Party Responsible for Transport Orders.

The party responsible for requesting the transport of a prisoner shall be as follows:

(A) Defense counsel shall have the responsibility for arranging transportation for hearings involving bail, habeas corpus, PCRA, Rule 600, the entering of a plea, and any other proceedings initiated by the defense, where the defendant's presence is required.

(B) The District Attorney shall be responsible for arranging transportation for proceedings such as arraignment, trial, sentencing, extradition, or hearings involving violation of probation or parole.

(C) For matters not listed above, the parties shall make every effort to agree as to who shall be responsible for arranging transportation of the prisoner.

Rule 105.3(d). Constable Transports—Humanitarian Reasons.

As there are instances when, for humanitarian reasons, or for other good cause, persons in confinement need to be transported from the place of confinement to another location, the Court may, upon petition and good cause shown, issue an Order authorizing the transport, either at the cost of the defendant, or at the cost of the County, to be made by a constable. These constables may be assigned at random by the Court from a list of constables duly qualified to do such transports. The Court Administrator of Chester County shall notify all Chester County constables who wish to be involved in said transports to do so in writing to the Court Administrator of Chester County. The Warrant Enforcement Bureau (WEB) will maintain this list and the assignments may be made on a random, rotating basis. Constables who wish to be part of this list must agree that in appropriate cases the Court may determine that a single constable will be sufficient for said transport. In any case in which the County pays the constable transport cost, the constable must comply with the Constable Handbook adopted by the Chester County Commissioners.

Rule 105.4. Documents.

A carbon, photo static, or NCR copy of any document filed with the Clerk of Court shall be given the full lawful effect of its original for all purposes when certified as a true copy by the Clerk of Courts or a duly authorized deputy.

Rule 105.5(a). Answer to Parole Petition by Commonwealth.

Upon receipt of a copy of a parole application, the attorney for the Commonwealth shall, within ten (10) days, in a signed writing, advise the judge to whom the application is addressed whether the application is opposed. The attorney for the Commonwealth shall serve a copy of such notice upon the defendant and upon the filing attorney or the last attorney of record.

Rule 105.5(b). Parole Hearing.

If the attorney for the Commonwealth or the warden opposes the application, and the Court does not deny the application, the Court shall schedule a hearing, with notice to the defendant, to the attorney for the Commonwealth, and to defendant's attorney of record, if any.

Rule 105.6(a). Session Calls.

Unless otherwise directed by the assigned judge, the principal call of said judge's criminal list, will be conducted, during the week immediately prior to the judge's

trial session. The Criminal Court Administrator, a court reporter, counsel of record and unrepresented defendants shall be present, except as otherwise provided in this rule. The Court Administrator shall send notice.

Rule 105.6(b). Presence of Counsel.

Counsel of record need not be personally present:

(i) for continuance requests for filed ARD or Restrictive Probation applications, with the written consent of the District Attorney; or

(ii) if there is present at the call of the list a lawyer whom counsel of record has designated to answer the call for counsel of record and which designee has knowledge of the status of the case; or

(iii) if Counsel has notified the Court Administrator, copy to District Attorney, in writing of the disposition of the case (other than a continuance) prior to the call of the list.

Rule 105.6(c). Periodic Calls.

During the trial week, periodic calls shall be held at such times and in such manner as directed by the judge to whom the case has been assigned.

Rule 105.6(d). Duty of Counsel.

Counsel shall be required to keep the Criminal Court Administrator advised of changes in the status of the case.

Rule 105.7(a). Copies of Orders.

A party who has obtained an order shall, at the time of filing, supply to the Clerk of Courts two (2) copies thereof to be conformed and delivered by the Clerk in accordance with the State Rules.

Rule 105.7(b). Delivery to District Attorney or Public Defender.

Delivery of documents by the Clerk to the District Attorney or Public Defender may be achieved by the Clerk of Courts placing conformed and time-stamped copies thereof in the boxes provided in the Clerk of Courts for that purpose.

Rule 105.8. Praecepto to Reduce Sentence to Judgment.

In all Court Cases and Summary Cases, once the Judge has imposed sentence, the Clerk of Courts shall reduce the sentence to judgment and enter that judgment upon the appropriate docket. A separate praecipe to reduce sentence to judgment shall not be required.

Note: Traditionally a praecipe to reduce sentence to judgment was filed so the Clerk of Courts would enter the judgment of sentence on the appropriate docket for appeal purposes. See Pa.R.A.P. 301(a) and 904(d). However, current practice is that the judgment of sentence is always entered on the appropriate docket without a request from a party. See Pa.R.Crim.P. 113 and 114.

Rule 114(B)(2). Service of Orders and Court Notices.

The Clerk of Courts, the Court Administrator, or the Court, may serve orders and court notices.

Rule 117. Coverage: Issuing Warrants; Preliminary Arraignments and Summary Trials; and Setting and Accepting Bail.

1. In order to comply with the specific coverage requirements of Pa.R.Crim.P. 117(A)(1), (2) and (3), the following schedule for coverage is adopted:

(a) All Magisterial District Courts shall be open to the public Mondays through Fridays, during published business hours approved by the President Judge, excluding official County Holidays.

(b) Magisterial District Judges shall provide after-hours coverage by utilizing an on-call system that is established and published by the Minor Judiciary Administrator with the approval of the President Judge.

(c) During times other than those published pursuant to Subsections (a) and (b) above, the designated on-call Magisterial District Judge shall inform the police radio room where they may be reached at all times. The Minor Judiciary Administrator, with the approval of the President Judge, shall establish an on-call duty schedule for Magisterial District Judges for after-hours coverage.

2. *Bail Before Verdict.*

(a) In compliance with Pa.R.Crim.P. 520(B), which permits a defendant to be admitted to bail on any day and at any time:

(i) During regular business hours, published pursuant to Paragraph 1(a) above, bail shall be posted at the issuing Magisterial District Judge's Office provided that the case has not been held for court and that bail has not been previously modified by the Court of Common Pleas. If the case has been held for court or bail has been previously modified by the Court of Common Pleas, then bail shall be posted at the Clerk of Courts.

(ii) During on-call hours, published pursuant to Paragraph 1(b) above, bail shall be posted at the on-call Magisterial District Judge's Office, if the case has not been held for court or modified by the Court of Common Pleas.

(iii) During times other than those published pursuant to Paragraphs 1(a) and (b) above, the Bail Administrator and/or his designated Investigator from the bail agency shall be authorized to accept monetary bail at the Chester County Prison in accordance with the provisions, and subject to the limitations of Pa.R.Crim.P. 117(C) and Pa.R.Crim.P. 520. The Bail Administrator or his designee shall be permitted to perform the following: accept the bail deposit, have the defendant sign the bail bond, release the defendant and deliver the bail deposit and bail bond to the issuing authority or the Clerk of Courts on the next business day.

Comment: This Rule incorporates and replaces District Court Regulation No. 175-2005.

PART B COUNSEL

Rule 120. Obligation of Counsel after Certain Dispositions.

A previously filed appearance shall not require counsel to represent a defendant after placement on ARD, or in proceedings involving probation or parole.

CHAPTER 2. INVESTIGATIONS

PART A SEARCH WARRANTS

Rule 202. Approval of Search Warrant Applications by Attorney for the Commonwealth.

The District Attorney of Chester County having filed a certification, pursuant to Pa.R.Crim.P. 202, search warrants 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.

CHAPTER 3. ACCELERATED REHABILITATIVE DISPOSITION (ARD)

PART A SUMMARY CASES

Rule 300. Summary Cases Excluded.

The District Attorney of Chester County having filed a certification, pursuant to Pa.R.Crim.P. 300, has designated, in addition to those offenses and/or offenders which are statutorily excluded, that summary cases are ineligible for ARD.

PART B COURT CASES

Rule 316(A).1. Administration Fee.

In addition to such other conditions as may be imposed, a condition of admission into the ARD program shall be that a person accepted into the program shall pay a fee as established by Court Order.

Rule 316(A).2. Terms of Payment.

Unless the terms of payment are agreed upon prior to the ARD hearing, the Court shall include in its Order the method, amounts and times for payment. In the absence of good cause shown, all fees shall be paid in advance of the ARD hearing.

CHAPTER 5. PRETRIAL PROCEDURES IN COURT CASES

PART B(1) COMPLAINT PROCEDURES

Rule 507. Approval of Police Complaints and Arrest Warrant Affidavits by Attorney for the Commonwealth.

The District Attorney of Chester 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 the following offenses shall not hereafter be accepted by any judicial officer unless the complaint and affidavit have the approval of an attorney for the Commonwealth prior to filing:

1. Corrupt organizations in violation of 18 Pa.C.S.A. § 911;
2. Criminal homicide in violation of 18 Pa.C.S.A. § 2501;
3. Murder in any degree in violation of 18 Pa.C.S.A. § 2502;
4. Voluntary manslaughter in violation of 18 Pa.C.S.A. § 2503;
5. Involuntary manslaughter in violation of 18 Pa.C.S.A. § 2504;
6. Causing or aiding suicide in violation of 18 Pa.C.S.A. § 2505;
7. Drug delivery resulting in death in violation of 18 Pa.C.S.A. § 2506;
8. Criminal homicide of a law enforcement officer in violation of 18 Pa.C.S.A. § 2507;
9. Criminal homicide of an unborn child in violation of 18 Pa.C.S.A. § 2603;
10. Murder of an unborn child in violation of 18 Pa.C.S.A. § 2604;

11. Voluntary manslaughter of an unborn child in violation of 18 Pa.C.S.A. § 2605;

12. Assault of law enforcement officer in violation of 18 Pa.C.S.A. § 2702.1;

13. Threat to use weapons of mass destruction in violation of 18 Pa.C.S.A. § 2715;

14. Weapons of mass destruction in violation of 18 Pa.C.S.A. § 2716;

15. Terrorism in violation of 18 Pa.C.S.A. § 2717;

16. Kidnapping in violation of 18 Pa.C.S.A. § 2901;

17. Trafficking of persons in violation of 18 Pa.C.S.A. § 3002;

18. Homicide by vehicle in violation of 75 Pa.C.S.A. § 3732;

19. Homicide by vehicle while driving under the influence in violation of 75 Pa.C.S.A. § 3735;

20. Rape in violation of 18 Pa.C.S.A. § 3121;

21. Involuntary deviate sexual intercourse in violation of 18 Pa.C.S.A. § 3123;

22. Sexual assault in violation of 18 Pa.C.S.A. § 3124.1;

23. Institutional sexual assault in violation of 18 Pa.C.S.A. § 3124.2;

24. Aggravated indecent assault in violation of 18 Pa.C.S.A. § 3125;

25. Indecent assault in violation of 18 Pa.C.S.A. § 3126 (victim less than 16 years of age);

26. Arson in violation of 18 Pa.C.S.A. § 3301;

27. Incest in violation of 18 Pa.C.S.A. § 4302;

28. Concealing death of child in violation of 18 Pa.C.S.A. § 4303;

29. Bribery in official and political matters in violation of 18 Pa.C.S.A. § 4701;

30. Threats and other improper influence in official and political matters in violation of 18 Pa.C.S.A. § 4702;

31. Perjury in violation of 18 Pa.C.S.A. § 4902;

32. Interception, disclosure, or use of wire, electronic, or oral communications in violation of 18 Pa.C.S.A. § 5703;

33. Unlawful contact with a minor in violation of 18 Pa.C.S.A. § 6318;

34. Sexual exploitation of children in violation of 18 Pa.C.S.A. § 6320;

35. Attempt, conspiracy, or solicitation to commit any of the above offenses; and

36. All cases against juvenile defendants that are being direct filed into the adult system.

Credits

Amended April 28, 2014, effective 30 days after publication in the *Pennsylvania Bulletin*.

PART C

BAIL

Rule 522. Material Witnesses.

The Chester County Local Bail Rules shall apply equally to witnesses detained under Pa.R.Crim.P. 522.

Applicability of these Rules in interstate witness situations under 42 Pa.C.S.A. § 5963 or § 5964 shall be subject to the discretion of the Court.

PART C(1)

RELEASE PROCEDURES

Rule 524(C).1. R.O.R.

Where the Court or the issuing authority releases a defendant on the defendant's own recognizance (R.O.R.), the defendant shall not be subject to the rules, regulations, and special conditions of the bail agency.

Rule 528(C).1. Ten Percent Bail.

An issuing authority, with notice to the bail agency, or the Court may release a defendant upon the posting by or for defendant of ten (10) percent of the amount of bail set, but in no event less than twenty-five dollars (\$25). Defendant or a private third party surety shall execute the bail bond and post the sum required with the issuing authority or the Clerk of Courts.

Rule 528(D).1. Posting Real Estate Bail.

If realty is offered to satisfy the bail set for a defendant, whether before an issuing authority or thereafter, the following must be provided to the Clerk of Courts of Chester County:

(i) the original deed, or a true copy certified by the Recorder of Deeds, for the realty being posted;

(ii) a certificate from the Tax Assessment Office of the county in which the property is located, setting forth a general description of the property, the tax book references, and the assessed valuation of the realty as of the time the bail is requested;

(iii) if the property is mortgaged, the original of a statement from the mortgagee indicating the unpaid balance due;

(iv) a lien, judgment, and last owner search, dated not more than two (2) days prior to the posting of the bail, prepared by a reputable title insurance company or a reputable local abstractor;

(v) the most recent tax receipts for county and school taxes applicable to the realty; and

(vi) if the realty offered is situated in another county, a written statement from the Prothonotary of such county that, in the event of forfeiture of the bail, said Prothonotary will accept said forfeiture for filing in that county and for entry and indexing as a judgment against the surety.

The Clerk of Courts shall enter judgment on the bond, and file a lien in the amount of the bond, in the Prothonotary's Office in the county in which the realty is located.

Rule 528(D).2. Establishing Value of Real Estate Bail.

The net value of any piece of realty, for purposes of posting bail, shall be determined by multiplying the assessed valuation of said property by the applicable

county factor, and subtracting therefrom any mortgages, liens, or encumbrances. Alternatively, or if such calculation shall yield a value insufficient for the posting of bail, the surety may present a verified appraisal report from a licensed real estate broker doing business in the county where the realty is located, establishing a higher valuation for the realty. Such appraisal may be substituted for the multiple of assessed valuation.

Rule 528(D).3. Review of Documents by Clerk of Courts.

Upon review of the above documents, a determination will be made by the Clerk of Courts, as to whether the actual net value of the realty equals or exceeds the amount of the bail. Only after necessary documentation is provided to, and such determination made by the Clerk of Courts may realty be accepted for bail.

Rule 528(D).4. Posting for More Than One Defendant Prohibited.

Any piece of realty may be posted as bail only if it is not presently posted as bail for any other defendant or in any other matter, except with leave of Court.

Rule 528(D).5. Verification of Surety.

When realty is offered for bail, the owner(s) shall, in the presence of a member of the issuing authority's staff or Clerk of Courts' staff, file a verification of surety in the form required by the Clerk of Courts, and a verified statement that the realty posted is not subject to any outstanding lien, encumbrance, or agreement not shown in the search required by C.C.R.Crim.P. 528(D).1(iv).

PART C(2)

GENERAL PROCEDURES IN ALL BAIL CASES

Rule 530.1. Powers of Bail Agency.

The "Pretrial Services" division of the "Department of Adult Probation, Parole & Pretrial Services" is designated as the bail agency for Chester County with the duties and powers as set forth in Pa.R.Crim.P. 530.

Rule 530.2. Supervision by Bail Agency.

Any defendant released on percentage, nominal or unsecured bail shall be subject to the rules, regulations and special conditions of the bail agency, as set forth on the Bond. Where the Court or the issuing authority releases a defendant on percentage or nominal bail, the bail agency may be designated as surety for the defendant.

Rule 531(A).1. Bail Bondsman: Definition.

For purposes of these rules, the definition of "bail bondsman" shall be that which is set forth under 42 Pa.C.S.A. § 5741.

Rule 531(A).2. Bail Bondsmen Prohibited from Posting Percentage Bail.

Bail bondsmen and their agents are expressly prohibited from posting percentage bail allowed pursuant to these rules.

Rule 531(A).3. Listing of Approved Bail Bondsmen.

The Clerk of Courts shall compile, maintain, and make available for public inspection, both on its departmental website and in hard copy, a list of approved bail bondsmen authorized to act as sureties in Chester County (hereinafter, "the approved list"). The approved list shall be substantially in the following form:

**COURT OF COMMON PLEAS OF
CHESTER COUNTY**
15th Judicial District of Pennsylvania
**Bail Bondsmen Authorized to Act as Sureties in
Chester County**
(effective {last revision date})

1. Individual Name of Bail Bondsman
 - Tradename of Bail Bondsman (if any)
 - Pennsylvania Office Address of Bail Bondsman provided pursuant to 42 Pa.C.S.A. §§ 5743.1(2) and 5744
 - Telephone Number(s) of Bail Bondsman
 - Maximum Monetary Authority of Bail Bondsman (per bond)
 - Expiration Date of License Issued to Bail Bondsman by the Insurance Department of the Commonwealth
 2. . . .
-

Rule 531(A).4. Petition for Placement of Bail Bondsman on Approved List.

A bail bondsman wishing to be placed on the approved list must file a petition for such inclusion, in the manner provided by Pa.R.Crim.P. 575 et seq. All documents required under 42 Pa.C.S.A. § 5743.1 shall be appended to the petition at the time of its filing. Copies of said petition and appendices shall be served on the District Attorney, the bail agency, and the County Solicitor. Hearing on said petition shall be scheduled by the Court Administrator on not less than twenty (20) days' notice to the District Attorney, the bail agency, and the County Solicitor, which period may be extended for good cause shown on application by any of the three agencies. Upon a finding of compliance by the applicant with these rules and all applicable laws, the Court shall order the Clerk of Courts to place the name of the applicant on the approved list.

Rule 531(A).5. Removal of Bail Bondsman from Approved List.

Upon motion of the District Attorney or the County Solicitor, and following a hearing held not less than ten (10) days after the issuance of a rule returnable, served on the bail bondsman pursuant to 42 Pa.C.S.A. § 5746(a), the Court of Common Pleas may order the Clerk of Courts to remove the name of a bail bondsman from the approved list. Grounds for suspension or revocation shall include, without limitation:

- (i) any of the grounds enumerated under 42 Pa.C.S.A. § 5746(b);
- (ii) failure of the bail bondsman to comply with any requirement of these rules;
- (iii) suspension or revocation of the bail bondsman's authority to conduct business, by a Court of Common Pleas elsewhere in the Commonwealth of Pennsylvania; and
- (iv) suspension or non-renewal of the bail bondsman's license by the Insurance Department of the Commonwealth of Pennsylvania.

Rule 531(A).6. Approved List: Amendments and Distribution.

The Clerk of Courts shall keep the approved list current at all times. Whenever circumstances warrant an

addition to, a deletion from, or any other amendment to the list, the Clerk of Courts shall:

(i) promptly update the list to reflect the amendment, and thereafter post the updated list on its departmental website; and

(ii) within forty-eight (48) hours of the amendment, distribute copies of the updated list via electronic mail to the District Attorney, the Public Defender, the bail agency, the Warden of Chester County Prison, the County Solicitor, and the Court Administrator.

The Court Administrator shall distribute the updated list to all sitting Judges of the Court of Common Pleas and to all Magisterial District Judges within the Fifteenth Judicial District.

The Clerk of Courts shall distribute a current list to the aforesaid individuals and departments at least quarterly, even if there have been no amendments or updates to the list since it was last distributed.

Rule 534. Termination of Case.

In cases where a defendant has been sentenced to a term of imprisonment, commencement of which sentence has been deferred, full and final disposition of the case shall not be deemed to occur prior to defendant's surrender to authorities for commencement of the sentence of imprisonment.

Rule 535(A). Receipt.

At the time of posting of any bail, including percentage bail, but excluding a surety bond, the office at which the bail is posted shall issue, to the person posting the bail a receipt itemizing the bail and the fees and costs which will apply in the absence of a violation or forfeiture.

Rule 535(D).1. Return of Cash Bail to Surety by Clerk of Courts.

Within twenty (20) days after the full and final disposition of a case on which full cash bail has been posted, the Clerk of Courts shall retain the lawful fee provided by the Judicial Code, and shall return the balance to the defendant or an assignee or the third party surety unless the balance is applied to pay a fine and costs of prosecution or to make restitution.

Rule 535(D).2. Return of Cash Bail to Surety by Issuing Authority.

Where a matter reaches a full and final disposition before an issuing authority, the issuing authority shall return the entire amount of full cash bail, which has been posted with the issuing authority.

Rule 535(D).3. Removal of Judgment Indexed Against Realty.

The Clerk of Courts shall, within twenty (20) days after the full and final disposition of a case on which realty has been posted as bail, notify the surety to present to the Clerk of Courts for execution by the Clerk of Courts a praecipe to remove the judgment previously entered by the Clerk of Courts.

Rule 535(D).4. Bail Agency Fee; Return of Bail to Surety.

Within twenty (20) days after full and final disposition as defined by Pa.R.Crim.P. 534 of a case in which percentage bail has been posted, the issuing authority or the Clerk of Courts shall retain forty (40) percent of the amount deposited, but in no event less than fifty dollars (\$50), as administrative costs for the bail agency and shall return the balance to the defendant or an assignee

or the third party surety unless the balance is applied to pay a fine and costs of prosecution or to make restitution. The fees to which the bail agency is entitled by law are deemed earned at the time the bail undertaking is executed and the money deposited.

Rule 535(D).5. Notice to Person Posting.

The Clerk of Courts shall send notice of the full and final disposition to the person who originally posted money, at the address of record. Any money not claimed within one hundred and eighty (180) days from the time of full and final disposition of the case shall be forfeited to the use of the County of Chester.

Rule 536. Revocation of Bail.

When a defendant has failed to comply with the rules and regulations of the bail, or of the bail agency, or any additional conditions of the defendant's release, the bail agency may execute a bail piece, and/or petition that a bench warrant be issued, so that the defendant may be brought before the Court, to determine if additional bail shall be set in the case or bail revoked.

PART G

PROCEDURES FOLLOWING FILING OF INFORMATION

Rule 571.1. Notice From Issuing Authority.

At the conclusion of a preliminary hearing in which a defendant is bound over for action by the Court of Common Pleas, the issuing authority will provide written notice of the date, place and time of arraignment.

Rule 571.2. Role of Court Administrator.

Arraignment may be conducted by the Court Administrator or a designated assistant.

Rule 571.3. Consequences of Failure to Appear.

Upon failure of a defendant to be present when required hereby, the defendant's bail may be forfeited and a bench warrant may be issued.

PART G(1)

MOTION PROCEDURES

Rule 576.1. Electronic Filing and Service of Legal Papers.

(A) *General Scope and Purpose of the Rule*

Pursuant to Pennsylvania Rule of Criminal Procedure 576.1, Electronic Filing and Service of Legal Papers, electronic filing of legal papers through the PACFile electronic filing system is permissive in Chester County, the 15th Judicial District, as of March 4, 2019. The Administrative Office of Pennsylvania Courts and the judicial district of Chester County have agreed upon an implementation plan for PACFile in Chester County.

(B) *PACFile*

(1) The exclusive system for electronic filing is the PACFile System, developed and administered by the Administrative Office of the Pennsylvania Courts and located on Pennsylvania's Unified Judicial System Web Portal at <https://ujportal.pacourts.us/PACFile.aspx>.

(2) Pursuant to Pa.R.Crim.P. 576.1(D)(2), establishment of a PACFile account constitutes consent to participate in electronic filing, including acceptance of service electronically of any document filed on the PACFile system in any judicial district that permits electronic filing.

(3) At this time, electronic filing through the PACFile System is voluntary. Any party who declines to partici-

pate in the PACFile electronic filing system, or who is unable to electronically file or accept service of legal papers which were filed electronically, or who is otherwise unable to access the PACFile system, shall be permitted to file legal papers in a physical paper format ('hard-copy') and shall be served legal papers in a physical paper format by the Clerk of Courts and other parties, whether electronically filed or otherwise, as required by Pa.R.Crim.P. 576.

(C) *Legal Papers*

(1) "Legal papers" are pleadings or other submissions to the court, including motions, answers, notices, or other documents, of which filing is required or permitted, including orders, exhibits and attachments, but excluding:

- (a) applications for search warrants;
- (b) applications for arrest warrants;
- (c) any grand jury materials, except the indicting grand jury indictment or the investigating grand jury presentment;
- (d) submissions filed ex parte as authorized by law; and
- (e) submissions filed or authorized to be filed under seal.

(2) The applicable rules of criminal procedure, general rules of court, and court policies that implement the rules shall continue to apply to all filings of legal papers regardless of the method of filing.

(3) Any legal paper submitted for filing to the Clerk of Courts in a physical paper (or 'hard-copy') format shall be accepted by the Clerk of Courts in that format and shall be retained by the Clerk of Courts as may be required by applicable rules of court and record retention policies. The Clerk of Courts shall convert such hard-copy legal paper to .pdf and add it to the system, except those legal papers excluded from electronic filing pursuant to Pa.R.Crim.P. 576.1(C) and this rule.

(D) *Filing Fees*

Applicable filing fees shall be paid through procedures established by the Clerk of Courts and at the same time and in the same amount as required by statute, Court rule or order, or published fee schedule.

(E) *Record on Appeal*

Electronically filed legal papers, and copies of legal papers filed in a paper format as provided in subsection (C)(3), shall become the record on appeal.

(F) *Confidential Information*

Counsel and unrepresented parties must adhere to the Public Access Policy of the Unified Judicial System of Pennsylvania and refrain from including confidential information in legal papers filed with the Clerk of Courts or the Court whether filed electronically or in a paper format.

Rule 578.1. Motions Challenging Preliminary Hearing (Habeas Corpus).

All motions challenging the action of a Magisterial District Judge in finding a prima facie case shall have the substantive characteristics of a habeas corpus motion, but shall be captioned "Commonwealth v. Defendant," together with the term number, if any, or the offense tracking number. Such motions need consist only of a motion and notice of hearing. A writ shall be prepared only when specifically requested by the motion, and shall be directed to such custodian as shall be named in the

motion. The motion and notice shall be assigned a hearing date on the miscellaneous list by the Court Administrator, and shall be filed with the Clerk of Courts. Where an expedited hearing is requested, the assigned judge may order an accelerated listing.

Rule 578.2. Sharing Cost of Transcript.

In all cases where the notes of testimony from a preliminary hearing are taken and/or transcribed by a court reporter, the entire cost of the services of the court reporter and the notes of testimony shall be borne equally by all parties requesting transcripts at any time. The original of the notes of testimony shall be provided to the party who engaged the services of the reporter.

Rule 578.3. Providing Transcript to Court, and Opposing Party.

It shall be the duty of the party filing such motion to obtain a transcript of the record of the preliminary hearing, or relevant portion thereof, regardless of the manner in which the record was made, and make such transcript available to the Court, and the opposing party, as soon as practicable.

Rule 578.4. Transcripts from Tape Recordings.

If the preliminary hearing was recorded electronically, each party shall review the transcript, and, prior to the hearing, note any objections or discrepancies for the Court. The parties shall attempt to resolve any such discrepancies prior to the hearing.

Rule 578.5. Stipulations in Absence of Record.

Where no record of the preliminary hearing has been made, or upon motion of either party, the Court may hear testimony or consider stipulations of the parties to supplement the record from the preliminary hearing.

Rule 580. Pre-Trial Motion.

All pre-trial motions shall be scheduled by the Court Administrator for hearing on the Miscellaneous List, unless deferred by the court for hearing immediately prior to trial.

PART H

PLEAS PROCEDURES

Rule 590.1. Preparation of Guilty Plea Form.

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 Chester County guilty plea form available from the Court Administrator, and shall explain to the defendant the contents of that form. Such forms shall be initialed and signed where appropriate and counsel's signature thereon shall constitute a certification by the attorney that the attorney has read, discussed and explained the plea form with the defendant, and that to the best of counsel's knowledge, information and belief, the defendant understands what the defendant is doing by entering the plea. Guilty plea forms shall be filed in open Court at the time of entry of any plea of guilty or nolo contendere. 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 the sentence which the defendant is to receive.

Rule 590.2. Sentencing Guideline Form.

Prior to entering the plea, the defendant shall review with counsel the sentencing guidelines. Completed forms, reviewed by both counsel will be submitted to the Court.

Rule 590.3. Prior Convictions.

The attorney representing the Commonwealth at the time the plea is entered shall be familiar with the case, and shall advise the Court of any prior convictions or adjudications of the defendant for felonies and misdemeanors.

Rule 590.4. Plea Agreements in Writing.

All plea agreements shall be in writing, on Chester County guilty plea colloquy forms, signed by the defendant, defense counsel, (if represented) and the Assistant District Attorney.

Rule 591. Motion to Challenge or Withdraw Plea.

Any motion to withdraw or challenge a plea of guilty or nolo contendere shall include a separate page addressed to the court reporter requesting transcription of the proceeding at which the plea was entered and of the sentencing proceeding, if any. The entire transcripts of such proceedings shall be prepared unless limited by the Court. Copies of the motion shall be delivered to the trial judge, the court reporter, and the District Attorney immediately after filing thereof.

CHAPTER 7. POST-TRIAL PROCEDURES IN COURT CASES

PART A

SENTENCING PROCEDURES

Rule 700(B). Sentencing Judge.

(1) In addition to the authority set forth in C.C.R.Crim.P. 105.1(a)—(e), the Court Administrator in accordance with regulations approved by the President Judge may reassign cases after the filing of a motion alleging a violation of probation or parole to improve the prompt and just resolution of violations of probation and parole.

(2) The defendant shall be so notified of this rule at the time of entering a plea.

Note: This rule was enacted, pursuant to Pa.R.Crim. 700(b), permitting sentencing by a judge other than the judge who presided at the trial or who received the plea.

Rule 702.1. Preparation of Sentencing Guideline Form by Parties.

The District Attorney shall, after consultation with defense counsel and prior to sentencing, supply the sentencing judge with a sentencing guideline form completed except for the disposition section. Defense counsel shall be provided with a copy of the guideline form to be submitted by the District Attorney. Defense counsel shall immediately notify the sentencing judge of any objection to the sentencing guideline form submitted by the District Attorney, and may, where appropriate, provide a substitute guideline form reflecting the defense position.

Rule 702.2. Completion of Sentencing Guideline Form by Judge.

The sentencing judge shall be responsible for the final completion of the sentencing guideline forms and for the transmittal of those forms to the Commonwealth of Pennsylvania. For Plea Agreements the District Attorney shall complete the disposition sections.

Rule 704.1. Reporting to Probation Office.

Where a defendant receives a sentence of county probation or immediate parole, the defendant shall report to the Adult Probation Office immediately after the imposition of sentence, or immediately after the defendant's discharge from custody, whichever is later.

Rule 704.2. Parole Orders.

In all cases where the defendant receives a sentence giving the defendant immediate parole, it shall be the responsibility of defendant's counsel to provide the Court with a written order for immediate parole and to deliver two (2) certified copies of the signed order to the Chester County Sheriff for delivery to the institution of confinement.

Rule 704.3. Parole after Sentence of 30 Days or Less.

In all cases where the Court has signed a conditional order of parole to be effective after defendant serves thirty (30) days or less prison sentence, defendant's counsel shall provide the defendant with a certified copy of said order immediately after sentencing. The defendant shall present that certified parole order at the prison when the defendant reports to begin serving the sentence.

Rule 704.4. Form of Parole Order.

Forms for parole orders not involving special conditions shall be available in the Court Administrator's Office.

[Pa.B. Doc. No. 21-633. Filed for public inspection April 23, 2021, 9:00 a.m.]

Title 255—LOCAL COURT RULES

LEHIGH COUNTY

Administrative Order Establishing Payment Plan Participation for Determination of Eligibility of Restoration of Driver's Licenses; AD-17-2021

Administrative Order

And Now, this 23rd day of March, 2021, the following Administrative Order establishing a procedure whereby a defendant may seek reinstatement of his or her operating privileges based on being current on a payment plan is promulgated and is effective in any applicable case thirty (30) days or more after publication of this Order in the *Pennsylvania Bulletin*. Seven (7) certified copies shall be filed with the Administrative Office of Pennsylvania Courts; two (2) certified copies shall be filed with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*; one (1) certified copy shall be filed with the Criminal Procedure Rules Committee; and one (1) copy shall be filed with the Clerk of Courts of the Court of Common Pleas of Lehigh County.

It Appearing that upon consideration of 75 Pa.C.S.A. § 1541(d), in which a defendant ordered by the court under section 3816 (relating to requirements for driving under the influence offenders) to attend a treatment program for alcohol or drug addiction and successfully complete all requirements of the treatment program ordered by the court before a defendant's operating privilege may be restored as the result of a conviction or Accelerated Rehabilitative Disposition of a violation of section 3802,

And that, under section 1541(d), “successful completion” of a treatment program includes the payment of “all court-imposed fines and costs, as well as fees to be paid to the treatment program by the defendant,”

And that, under section 1541(d), for the purposes of restoring a suspended license, “being current on a payment plan shall be considered as a part of a successfully completed program,”

It Is Ordered that any defendant convicted under or admitted into Accelerated Rehabilitative Disposition for a violation of 75 Pa.C.S.A. § 3802 may petition the Court to enter an Order directing the Lehigh County Clerk of Judicial Records-Criminal to notify the Pennsylvania Department of Transportation that the defendant’s operating privilege suspended due to a conviction or admission into Accelerated Rehabilitative Disposition for a violation under 75 Pa.C.S.A. § 3802 may be restored before complete payment of all associated costs and fines. Said petition shall be filed with the Lehigh County Clerk of Judicial Records-Criminal, with a copy of said petition to be served upon the Lehigh County District Attorney’s Office and the Lehigh County Adult Probation Department.

Upon the filing of said petition, a judge sitting in the Criminal Division of the Court of Common Pleas shall schedule a hearing, with notice to be given to the defendant, the District Attorney’s Office, and the Adult Probation Department, for consideration of a defendant’s request for restoration of the defendant’s operating privileges. The Court shall consider whether the defendant

has been current on a payment plan in determining whether the defendant has successfully completed a court-ordered treatment program.

By the Court

DOUGLAS G. REICHLEY,
Judge

[Pa.B. Doc. No. 21-634. Filed for public inspection April 23, 2021, 9:00 a.m.]

Title 255—LOCAL COURT RULES

WESTMORELAND COUNTY

Rescission of Local Rule WC112 in re: Publicity, Broadcasting and Recording of Proceedings; No. 3 of 2021

Administrative Order of Court

And Now, this 30th day of March 2021, *It Is Hereby Ordered* that Westmoreland County Rule WC112, Publicity, Broadcasting and Recording of Proceedings is hereby *Rescinded*. This change is effective 30 days after publication in the *Pennsylvania Bulletin*.

By the Court

RITA DONOVAN HATHAWAY,
President Judge

[Pa.B. Doc. No. 21-635. Filed for public inspection April 23, 2021, 9:00 a.m.]
