

THE COURTS

Title 249—PHILADELPHIA RULES

PHILADELPHIA COUNTY

Adoption of Philadelphia Court of Common Pleas Criminal Rule *700; President Judge General Court Regulation; No. 8 of 2022

Order

And Now, this 20th day of May, 2022, the Board of Judges of Philadelphia County having voted at the Board of Judges' meeting held on May 19, 2022, to adopt Philadelphia Court of Common Pleas Criminal Rule *700, as follows to this Order, and, as required by Pa.R.J.A. 103, the Supreme Court Criminal Procedural Rules Committee has reviewed the following local rule, has determined that Rule *700 is not inconsistent with applicable statewide rules, and has authorized its promulgation.

Now, therefore, it is hereby *Ordered* and *Decreed* that Philadelphia Court of Common Pleas Criminal Rule *700 is adopted, as follows, effective thirty days after publication in the *Pennsylvania Bulletin*.

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

By the Court

HONORABLE IDEE C. FOX,
President Judge
Court of Common Pleas

Philadelphia Criminal Rule *700.

(A) The judge who presided at the trial or who received the plea of guilty or nolo contendere shall impose sentence unless there are extraordinary circumstances which preclude the judge's presence. In such event, another judge shall be assigned to impose sentence.

(B) The supervision of a defendant serving a sentence may be transferred to a judge other than the original sentencing judge in any of the following situations:

(1) The original sentencing judge has been transferred out of the Criminal Division and consents in writing, to the transfer of the supervision;

(2) The case has been accepted into a First Judicial District reentry program and, after a hearing or in writing, the defendant and the original sentencing judge consent to supervision being transferred to a judge presiding over the reentry program;

(3) The defendant is facing a new sentencing in front of a different judge on a separate case and, after a hearing or in writing, the defendant and the original sentencing judge consent to supervision being transferred to the other judge; or

(4) There exist extraordinary circumstances, including but not limited to: death, incapacitation or retirement, which preclude the presence of the original sentencing judge.

Comment:

Local Rule 700(A) tracks Pa.R.Crim.P. 700(A).

Pa.R.Crim.P. 700 also governs sentencings that result from a violation of probation or parole. *See Comm. v. McNeal*, 120 A.3d 313 (Pa. Super. 2015). Accordingly, Local Rule 700(B) flows from Pa.R.Crim.P. 700(B), which invites promulgation of local rules to expand the circumstances under which transfers from one judge to another may be made. Local Rule 700(B) reflects the recognition that transfers are appropriate under a variety of circumstances, including where a defendant has the opportunity to enter one of the First Judicial District's reentry programs or in order to consolidate a violation hearing in front of the "back judge" with the sentencing for a new case in front of a different judge.

Note: For the purposes of this Rule, the term "writing" includes electronic mail.

Adopted by order dated May 19, 2022. Published in the *Pennsylvania Bulletin* on June 18, 2022 and effective July 18, 2022.

[Pa.B. Doc. No. 22-890. Filed for public inspection June 17, 2022, 9:00 a.m.]

Title 255—LOCAL COURT RULES

BEAVER COUNTY

Local Rules of Criminal Procedure L.R.CRIM.PRO. 552; Administrative Doc. No. 68-2022

Administrative Order

It is hereby *Ordered* that Beaver County Local Rules of Criminal Procedure 552 is modified as follows:

Deleted text is bold and bracketed. New text is bold and underlined.

Rule 552. Administrative Processing and Identification.

(A) In all cases in which a defendant has been charged with an offense of a third degree misdemeanor or greater, the defendant shall be required to appear at the Beaver County Regional Booking Center (RBC) located in the Beaver County Jail, 6000 Woodlawn Boulevard, Aliquippa, PA, 15001.

(B) Pursuant to 18 Pa.C.S. 9112, an arresting authority shall be responsible for taking the fingerprints of persons arrested for misdemeanors, felonies or summary offenses which become misdemeanors on a second arrest after conviction of a summary offense. The Regional Booking Center shall serve as the designated fingerprinting site for all arresting authorities in Beaver County.

(C)(1) In cases in which a defendant has been arraigned at the District Justice office and fails to post bond, the defendant shall be fingerprinted and photographed at the RBC subsequent to his or her commitment at the Beaver County Jail.

(2) In cases in which a defendant has been arrested during night, weekend or holiday hours, unless the charges proceed by summons, the defendant shall be taken directly to the RBC for a video arraignment and booking procedure before being committed to the Beaver County Jail or being released on bond.

(3) In cases of private prosecutions, the defendant may only be fingerprinted and photographed after conviction of the alleged offense. An order shall be issued from the Court of Common Pleas after such conviction directing the Defendant to report to the RBC to be fingerprinted and photographed.

(4) In cases which proceed by issuance of a summons, the District Justice presiding at Central Court at the scheduled Preliminary Hearing, shall order the defendant to submit to the Regional Booking Center within five (5) days following the date of issuance of such order.

(D) A booking fee of [**fifty dollars (\$50.00)**] **two hundred dollars (\$200.00)** shall be assessed and collected by the Beaver County Clerk of Courts after sentencing upon conviction of or plea to a misdemeanor or felony offense or acceptance into the Accelerated Rehabilitation Program. This fee will not apply to those Defendants whose cases are dismissed by the District Justice, withdrawn or nolle prossed by the Commonwealth or who enter a guilty plea to a summary offense at the time of the preliminary hearing.

This Order shall be effective thirty (30) days following publication in the *Pennsylvania Bulletin*.

The District Court Administrator is directed to:

1. File one (1) certified copy of this Administrative Order with the Administrative office of Pennsylvania Courts via email to adminrules@pacourts.us;

2. File two (2) paper copies and one (1) electronic copy in Microsoft Word format only to bulletin@palrb.us with Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;

3. Publish a copy of this Administrative Order on the Beaver County Court of Common Pleas website, <https://www.beavercountypa.gov/Depts/Courts/Pages/default.aspx>, after publication in the *Pennsylvania Bulletin*;

4. Incorporate the Local rule into the Local Rules of this Court within thirty (30) days after publication of the Local Rules in the *Pennsylvania Bulletin*;

5. Keep a copy of this Administrative Order continuously available for public inspection and copying in the Beaver County Law Library.

By the Court

RICHARD MANICINI,
President Judge

[Pa.B. Doc. No. 22-891. Filed for public inspection June 17, 2022, 9:00 a.m.]

Title 255—LOCAL COURT RULES

BUCKS COUNTY

Order Approving Electronic Filing in the Office of the Clerk of the Orphans' Court and Promulgating Rule of Orphans' Court Procedure 4.7A; Administrative Order No. 108

Order

And Now, this 3rd day of June, 2022, the Court hereby approves implementation of an electronic filing system by the Office of the Clerk of the Orphans' Court and pursuant to Pa.O.C. Rule No. 4.7(a), hereby promulgates Bucks County Orphans' Court Rule 4.7A as follows:

Rule 4.7A. Electronic Filing.

(a) Any legal filing permitted under the Pennsylvania Orphans' Court Rules may be filed electronically with the Office of the Clerk of the Orphans' Court ("Clerk") under the procedures set forth in this rule and consistent with the procedures set forth in Pa.O.C. Rule No. 4.7.

(b)(1) All legal papers to be electronically filed shall be presented in portable document format (".pdf").

(b)(2) Legal papers may be submitted to the Clerk in hard copy format. In that event, the Clerk shall electronically scan such legal paper into .pdf format and maintain it in that format. Any legal paper scanned into .pdf format may be returned to the filing party for maintenance pursuant to Pa.O.C. Rule No. 4.7(c)(3).

(c)(1) All legal papers filed electronically shall be filed through the Clerk's Electronic Filing System ("Electronic Filing System"). A web address and link providing general access to the Electronic Filing System shall be provided on the Clerk's webpage, appearing on the County of Bucks website, www.buckscounty.gov.

(c)(2) Parties shall register with the Electronic Filing System to file legal papers electronically. Registrants shall provide their name, mailing address, email address, telephone number and other identifying information as required by the Clerk.

(c)(3) Registration for use of the Electronic Filing System shall constitute the registrant's agreement, pursuant to Pa.O.C. Rule No. 4.5(a)(1), to accept service of all notices, opinions and orders from the Clerk or the Court via electronic means.

(c)(4) The Clerk shall accept payment for all filings via credit and debit cards, or by any other form of payment approved and adopted by the Clerk.

(d)(1) Upon receipt of an electronically filed legal paper the Clerk shall provide the filing party with an acknowledgment of the filing which includes the date and time the filing was received by the Electronic Filing System. The Clerk shall also provide the filing party with notice that the legal paper was accepted for filing. If the legal paper is not accepted for filing, the Clerk shall promptly notify the party presenting the document for filing that it was not accepted and the reason therefor. All acknowledgements and notices under this subsection will be sent via email to the address provided by the filing party.

(e)(1) The Clerk shall maintain an electronic copy of all legal papers filed.

(e)(2) The Clerk shall provide hard copies of any filed and electronically maintained legal papers to the Court as required by the Court.

(f)(1) *Signature.* The electronic filing of legal papers by a filing attorney or party (“the filing party”) utilizing the username and password associated with the filing party by the Electronic Filing System shall be deemed the filing party’s signature on the legal papers submitted and shall constitute a certification by the filing party:

(a) that the original hard copy of the legal paper was properly signed, and where applicable, verified pursuant to Pa.O.C. Rule No. 4.7(c)(1);

(b) that the original hard copy of the legal paper is being maintained as provided by Pa.O.C. Rule No. 4.7(c)(3); and

(c) if the filing party is an attorney, of the filing party’s right to practice in the Commonwealth and of authorization to file the legal paper.

(f)(2) All legal papers submitted for filing using the Electronic Filing System must at minimum identify the filing party by name in a signature block placed at the conclusion of the legal paper. Should a legal paper fail to comply herewith by not identifying the filing party as required, or by identifying the filing party as a person other than the registered filer under whose username the legal paper is submitted, such legal paper shall not be acted upon pending notification to the filing party pursuant to Pa.R.J.A. No. 103(d)(8) and the filing party coming into compliance herewith.

(f)(3) Verifications, affidavits and any other documents included in an electronically filed legal paper that are signed by a person other than the filing party shall be manually signed, scanned in .pdf format, and attached to or included as part of the electronically filed legal paper.

(f)(4) Documents requiring the signature of more than one non-filing party, including documents signed by more than one party in counterparts (e.g., stipulations) shall be manually signed, scanned in .pdf format, and attached to or included as part of the electronically filed legal paper.

This Order shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

By the Court

WALLACE H. BATEMAN, Jr.,
President Judge

[Pa.B. Doc. No. 22-892. Filed for public inspection June 17, 2022, 9:00 a.m.]

Title 255—LOCAL COURT RULES

CUMBERLAND COUNTY

Local Rule (576.1); 1996-1335

Order of Court

And Now, this 3rd day of June, 2022, it is hereby Ordered and Decreed, that effective thirty (30) days after publication in the *Pennsylvania Bulletin*, the Cumberland County Court of Common Pleas amends local rule 576.1 (change underlined—B(iii)(7) was added):

C.C.R.P. No. 576.1

Rule 576.1. Electronic Filing in Criminal Dockets.

A. The Cumberland County Clerk of Courts Office and the Administrative Office of Pennsylvania Courts (AOPC) agreed upon an implementation plan for PACFile in Cumberland County for certain criminal filings. Legal

papers may be filed electronically using the PACFile electronic filing system pursuant to Pa.R.Crim.P. 576.1. Electronic filing is permissive and not mandatory.

B. As used in this rule, the following words shall have the following meanings:

i. “electronic filing,” the electronic submission of legal papers by means other than facsimile transmission and the acceptance of the document by the clerk of courts;

ii. “filing party,” an attorney, defendant, or other person who files a legal paper by means of electronic filing;

iii. “legal paper,” a pleading or other submission to the court, including motions, answers, notices, or other documents, of which filing is required or permitted, including orders, copies of exhibits, and attachments. The following documents are excluded from the definition of “legal paper” and are therefore prohibited from being filed electronically:

(1) applications for search warrants,

(2) applications for arrest warrants,

(3) any grand jury materials, except the indicting grand jury indictment or the investigating grand jury presentment,

(4) submissions filed ex parte as authorized by law,

(5) submissions filed or authorized to be filed under seal,

(6) exhibits offered into evidence, whether or not admitted, in a court proceeding; and

(7) Notices of Appeal, which must be filed directly with the Clerk of Courts in physical paper format.

iv. “original document,” a legal paper filed electronically shall be deemed the original document, but copies of exhibits electronically filed do not constitute the original of the exhibit for evidentiary purposes; and

v. “the system,” the PACFile electronic filing system, developed and administered by the Administrative Office of Pennsylvania Courts, is the exclusive system for electronic filing.

C. Attorneys or self-represented parties who file legal papers electronically must establish a PACFile account using the Unified Judicial System of Pennsylvania Web Portal. Pursuant to Pennsylvania Rule of Criminal Procedure 576.1(D)(2), the establishment of a PACFile account constitutes consent to participate in electronic filing, including acceptance of service electronically of any document filed using PACFile.

D. Applicable filing fees for the electronically filed legal papers shall be paid electronically to the Clerk of Courts simultaneously with the filing.

E. A party who was granted In Forma Pauperis status shall not pay filing fees to the Clerk of Courts.

F. All filings shall comply with the Case Records Public Access Policy of the Unified Judicial System of Pennsylvania.

G. *Service of Legal Papers.*

(a) Attorneys or self-represented parties who are unable or unwilling to participate in electronic filing of documents are permitted to file and serve the legal papers in a physical paper format.

(b) Service of legal papers on any attorney or party who has not established an account as provided in subsection (C) of this rule shall be made in accordance with Pa.R.Crim.P. 576. Specifically, the following offices

must be served in accordance with Rule 576: Sheriff, Probation Services, Court Reporter, and Court Administration. This applies to the service of court orders and notices. Distribution to those parties not automatically served via PACFile with a court order or notice must be filed with the Clerk of Courts office with a complete distribution legend listing the names and addresses of all parties required to be served with a paper copy.

(c) Service upon an attorney or defendant participating in the system shall be done electronically.

The Cumberland County District Court Administrator is Ordered and Directed to do the following:

1. File one (1) copy to the Administrative Office of Pennsylvania Courts via email to adminrules@pacourts.us.

2. File two (2) paper copies and one (1) electronic copy in a Microsoft Word format only to bulletin@palrb.us with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3. Publish these Rules on the Cumberland County Court website at www.ccpa.net.

4. Incorporate the local rule into the set of local rules on www.ccpa.net within thirty (30) days after the publication of the local rule in the *Pennsylvania Bulletin*.

5. File one (1) copy of the local rule in the appropriate filing office for public inspection and copying.

6. Forward one (1) copy to the *Cumberland Law Journal*.

By the Court

EDWARD E. GUIDO,
President Judge

[Pa.B. Doc. No. 22-893. Filed for public inspection June 17, 2022, 9:00 a.m.]

Title 255—LOCAL COURT RULES

CUMBERLAND COUNTY Local Rule (1205); 1996-1335

Order of Court

And Now, this 3rd day of June, 2022, it is hereby Ordered and Decreed, that effective thirty (30) days after publication in the *Pennsylvania Bulletin*, the Cumberland County Court of Common Pleas adopts local rule 1205:

Rule 1205. Electronic Filing and Service of Juvenile Court Legal Papers.

A. The Cumberland County Clerk of Courts Office and the Administrative Office of Pennsylvania Courts (AOPC) agreed upon an implementation plan for PACFile in Cumberland County for certain Juvenile Court filings. Legal papers may be filed electronically using the PACFile electronic filing system pursuant to Pa.R.J.P. 1205. Electronic filing is permissive and not mandatory.

B. As used in this rule, the following words shall have the following meanings:

i. “electronic filing,” the electronic submission of legal papers by means other than facsimile transmission and the acceptance of the document by the clerk of courts;

ii. “filing party,” an attorney or other person who files a legal paper by means of electronic filing;

iii. “legal paper,” a pleading or other submission to the court, including motions, answers, notices, or other documents, of which filing is required or permitted, including orders, copies of exhibits, and attachments. The following documents are excluded from the definition of “legal paper” and are therefore prohibited from being filed electronically:

1. Submissions filed ex parte as authorized by law;

2. exhibits offered into evidence, whether or not admitted, in a court proceeding.

3. Notices of Appeal, which must be filed directly with the Clerk of Courts in physical paper format.

iv. “original document,” a legal paper filed electronically shall be deemed the original document, but copies of exhibits electronically filed do not constitute the original of the exhibit for evidentiary purposes; and

v. “the system,” the PACFile electronic filing system, developed and administered by the Administrative Office of Pennsylvania Courts, is the exclusive system for electronic filing.

C. Attorneys or self-represented parties who file legal papers electronically must establish a PACFile account using the Unified Judicial System of Pennsylvania Web Portal. Pursuant to Pennsylvania Rule of Juvenile Court Procedure 1205(D)(2), the establishment of a PACFile account constitutes consent to participate in electronic filing, including acceptance of service electronically of any document filed using PACFile.

D. All filings shall comply with the Case Records Public Access Policy of the Unified Judicial System of Pennsylvania.

E. *Service of Legal Papers.*

a. Attorneys or self-represented parties who are unable or unwilling to participate in electronic filing of documents are permitted to file and serve the legal papers in a physical paper format and be served legal papers in a physical format which were electronically filed. Attorneys or self-represented parties who file a proposed court order electronically or in a physical paper format must include a complete distribution legend listing the names and addresses of all parties required to be served with a paper copy.

b. Service of legal papers on any attorney or party who has not established an account as provided in subsection (C) of this rule shall be made in accordance with Pa.R.J.C.P. 1167(B) and 1345(B). This applies to the service of court orders which shall be served by the Clerk of Courts. Orders in need of distribution to parties not automatically served via PACFile must be filed with the Clerk of Courts office with a complete distribution legend listing the names and addresses of all parties required to be served with a paper copy.

The Cumberland County District Court Administrator is Ordered and Directed to do the following:

1. File one (1) copy to the Administrative Office of Pennsylvania Courts via email to adminrules@pacourts.us.

2. File two (2) paper copies and one (1) electronic copy in a Microsoft Word format only to bulletin@palrb.us with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3. Publish these Rules on the Cumberland County Court website at www.ccpa.net.

4. Incorporate the local rule into the set of local rules on www.ccpa.net within thirty (30) days after the publication of the local rule in the *Pennsylvania Bulletin*.

5. File one (1) copy of the local rule in the appropriate filing office for public inspection and copying.

6. Forward one (1) copy to the *Cumberland Law Journal*.

By the Court

EDWARD E. GUIDO,
President Judge

[Pa.B. Doc. No. 22-894. Filed for public inspection June 17, 2022, 9:00 a.m.]
