

**CHESTER COUNTY
COURT OF COMMON PLEAS
LOCAL RULES
OF CRIMINAL PROCEDURE**

TABLE OF CONTENTS

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

Rule 100. Scope of Local Rules.	1
Rule 101. Purpose and Construction of Local Rules.	1
Rule 102. Citing the Chester County Criminal Rules.	1
PART A - BUSINESS OF THE COURTS	
Rule 103. Definitions.	1
Rule 104. Forms.	2
Rule 105(E). Violation of Local Rule.	2
Rule 105(F).1. Authority of President Judge.	2
Rule 105(F).2. Chester County Criminal Rules Committee.	3
Rule 105.1(a). Individual Calendars.	3
Rule 105.1(b). Assignment Method.	3
Rule 105.1(c). Murder and Major Cases; Pre-Assignment.	3
Rule 105.1(d). Reassignment of Cases.	3
Rule 105.1(e). Consolidation.	3
Rule 105.2. Interpreters.	4
Rule 105.3(a). Transport of Prisoners; Out of County.	4
Rule 105.3(b). Transport of Prisoners; County Prisoners.	4
Rule 105.3(c). Party Responsible for Transport Orders.	4
Rule 105.3(d). Constable Transports - Humanitarian Reasons.	5
Rule 105.4. Documents.	5

Rule 105.5(a). Answer to Parole Petition by Commonwealth.	5
Rule 105.5(b). Parole Hearing.	5
Rule 105.6(a). Session Calls.	6
Rule 105.6(b). Presence of Counsel.	6
Rule 105.6(c). Periodic Calls.	6
Rule 105.6(d). Duty of Counsel.	6
Rule 105.7(a). Copies of Orders.	6
Rule 105.7(b). Delivery to District Attorney or Public Defender.	6
Rule 105.8. Praecipe to Reduce Sentence to Judgment.	6
Rule 105.1901. Dismissals.	7
Rule 106(A). Applications for Continuance.	7
Rule 106(B). Order for Continuance.	7
Rule 114(B)(2). Service of Orders and Court Notices.	7
Rule 117. Coverage: Issuing Warrants; Preliminary Arraignments and Summary Trials; and Setting and Accepting Bail.	7

PART B - COUNSEL

Rule 120.3. Obligation of Counsel After Certain Dispositions.	9
---	---

CHAPTER 2. INVESTIGATIONS

Rule 202. Approval of Search Warrant Applications by Attorney for the Commonwealth.	9
---	---

CHAPTER 3. ACCELERATED REHABILITATIVE DISPOSITION (ARD)

PART A - SUMMARY CASES

Rule 300. Summary Cases Excluded.	9
-----------------------------------	---

PART B - COURT CASES

Rule 316(A).1. Administration Fee. 10

Rule 316(A).2. Terms of Payment. 10

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. 10

PART C - BAIL

Rule 522. Material Witnesses. 12

PART C(1) - RELEASE PROCEDURES

Rule 524(C).1. R.O.R. 12

Rule 528(C).1. Ten Percent Bail. 12

Rule 528(D).1. Posting Real Estate Bail. 13

Rule 528(D).2. Establishing Value of Real Estate Bail. 13

Rule 528(D).3. Review of Documents by Clerk of Courts. 13

Rule 528(D).4. Posting for More Than One Defendant Prohibited. 14

Rule 528(D).5. Verification of Surety. 14

PART C(2) - GENERAL PROCEDURES IN ALL BAIL CASES

Rule 530.1. Powers of Bail Agency. 14

Rule 530.2. Supervision by Bail Agency. 14

Rule 531(A).1. Corporate Sureties. 14

Rule 531(A).3. Listing of Approved Sureties and Bondsmen. 14

Rule 531(A).6. Petition for Placement on Approved List. 14

Rule 531(A).7. Removal of Surety or Bondsman from Approved List.	15
Rule 531(A).9. Approved List, Additions and Deletions, Circulation of.	15
Rule 531(A).10. Bail Accepted only from Approved Sureties.	15
Rule 534. Termination of Case.	15
Rule 535(A). Receipt.	15
Rule 535(D).1. Return of Cash Bail to Surety by Clerk of Courts.	16
Rule 535(D).2. Return of Cash Bail to Surety by Issuing Authority.	16
Rule 535(D).3. Removal of Judgment Indexed Against Realty.	16
Rule 535(D).4. Bail Agency Fee; Return of Bail to Surety.	16
Rule 535(D).5. Disposition of Bail Deposited by Defendant.	16
Rule 535(D).6. Disposition of Bail Deposited by Third Party.	16
Rule 535(D).7. Authorization to Pay Attorney.	17
Rule 535(D).8. Notice to Person Posting.	17
Rule 536. Revocation of Bail.	17

**PART D - PROCEDURES IN COURT CASES BEFORE ISSUING
AUTHORITIES**

Rule 543.2(a). Motions Challenging Preliminary Hearing (Habeas Corpus).	17
Rule 543.2(b). Sharing Cost of Transcript.	17
Rule 543.2(c). Providing Transcript to Court, and Opposing Party.	18
Rule 543.2(d). Transcripts From Tape Recordings.	18
Rule 543.2(e). Stipulations in Absence of Record.	18

PART F - PROCEDURES FOLLOWING FILING OF INFORMATION

Rule 571.1. Notice From Issuing Authority.	18
Rule 571.2. Role of Court Administrator.	18

Rule 571.4. Consequences of Failure to Appear.	18
--	----

PART F(1) - MOTION PROCEDURES

Rule 580. Pre-Trial Motion	19
----------------------------	----

PART G - PLEAS PROCEDURES

Rule 590.1. Preparation of Guilty Plea Form.	19
--	----

Rule 590.2. Sentencing Guideline Form.	19
--	----

Rule 590.3. Prior Convictions.	19
--------------------------------	----

Rule 590.4. Plea Agreements in Writing.	19
---	----

Rule 591. Motion to Challenge or Withdraw Plea.	19
---	----

CHAPTER 7. POST-TRIAL PROCEDURES IN COURT CASES

PART A - SENTENCING PROCEDURES

Rule 702.1. Criminal History Information.	20
---	----

Rule 702.2. Forwarding Criminal History Information.	20
--	----

Rule 702.3. Role of Adult Probation Department.	20
---	----

Rule 702.4. Delivery of Criminal History to Parties.	20
--	----

Rule 702.5. Preparation of Sentencing Guideline Form by Parties.	20
--	----

Rule 702.6. Completion of Sentencing Guideline Form by Judge.	20
---	----

Rule 704.1. Reporting to Probation Office.	21
--	----

Rule 704.2. Parole Orders.	21
----------------------------	----

Rule 704.3. Parole After Sentence of 30 Days or Less.	21
---	----

Rule 704.4. Form of Parole Order.	21
-----------------------------------	----

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 for use by defendants and by counsel, including:

- Application for Continuance
- Application for Bench Warrant
- Application to Dismiss/Quash Bench Warrant
- Praecept for Appearance
- Transport Order
- Bail Slips
- Verdict, Sentence and Explanation of Post-Verdict Rights
- Waiver of Jury Trial
- Plea Colloquy
- Sentencing Sheets
- Probation and Parole Violation Sentencing Form
- Summary Plea and Verdict Form
- Discharge Order
- Driving Under Influence / Intermediate Punishment Parole Order
- Pre-Sentence Investigation Order
- Indirect Criminal Contempt / PFA Order
- License Suspension Affidavits
- General Order Form

Rule 105(E). 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(F).1. 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(F).2. 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 IPP applications, with the written consent of the District Attorney; or
- (ii) if there is present at the call of the list a lawyer who 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's Office 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 105.1901. Dismissals.

Pursuant and subject to the requirements of Pa.R.J.A. 1901, the Clerk of Courts shall prepare a 1901 list no later than February 1 of each year and send it to the District Attorney with a copy to the Public Defender. Counsel shall advise the court in writing, within ninety (90) days of the list being delivered, of good cause for retaining a matter on the list. If no good cause of continuing a proceeding is shown an order for dismissal shall be entered by the Court, subject to the right of either party to petition to reactivate the matter for good cause shown.

Rule 106(A). Applications for Continuance.

All applications for continuance shall be made to the assigned judge or substitute, with notice to the opposing party, setting forth the reason for the requested continuance.

Rule 106(B). Order for Continuance.

Counsel requesting a continuance shall submit a proposed order, which shall specify:

1. The party requesting the continuance
2. The reason for the continuance request
3. The position of the opposing party
4. Reason for Grant/Denial

The Court Administrator will provide a suggested form of such order.

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, 8:30 AM to 4:30 PM, excluding official County Holidays.

(b) Magisterial District Judges shall provide after-hours coverage by utilizing the established on-call system that is published by the Minor Judiciary Administrator as follows:

Monday through Friday	8:00 PM to 11:30 PM
Saturday	9:00 AM to 11:00 AM 8:00 PM to 11:30 PM
Sunday and Holidays	*7:00 AM to 11:00 AM 8:00 PM to 11:30 PM

* Magisterial District Judges have the option on Sunday mornings of two consecutive hours between these times to allow flexibility for religious services.

(c) During times other than those listed in Subsections (a.) and (b.) above, the designated on-call Magisterial District Judge shall be in contact with the police radio room by pager or by leaving a telephone number where he/she may be reached at all hours. The President Judge shall establish the schedule of assignment of Magisterial District Judges to on-call duty.

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, listed in Paragraph 1(a) above, bail shall be posted at the issuing Magisterial District Judge's office or at the Clerk of Courts.

(ii) During on-call hours, listed in Paragraph 1(b) above, bail shall be posted at the on-call Magisterial District Judge's office.

(iii) During times other than those listed in Paragraphs 1(a) and (b) above, the Bail Administrator and/or his designated Investigator from the Chester County 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.

Credits

[Adopted July 28, 2006, effective August 1, 2006.]

**PART B
COUNSEL**

Rule 120.3. 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 Chester County Court Bail Agency.

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

An issuing authority, with notice to the Chester County Court 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 office of the Prothonotary 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 there from 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 Chester County Court Bail Agency is designated to have 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 Chester County Court Bail Agency, as set forth on the Bond. Where the Court or the issuing authority releases a defendant on percentage or nominal bail, the Chester County Court Bail Agency may be designated as surety for the defendant.

Rule 531(A).1. Corporate Sureties.

Corporate sureties or professional bail bondsmen or agents thereof are expressly prohibited from posting percentage bail allowed pursuant to these rules.

Rule 531(A).3. Listing of Approved Sureties and Bondsmen.

The Clerk of Courts shall compile, maintain, and make available for public inspection a list of approved surety companies, fidelity companies, and professional bondsmen qualified to act as sureties in Chester County (hereinafter, "the approved list").

Rule 531(A).6. Petition for Placement on Approved List.

A professional bondsman or fidelity or surety company 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.* Copies of said petition shall be served on the District Attorney and the Bail Agency.

Hearing on said petition shall be scheduled by the Court Administrator on not less than 20 days notice to the District Attorney and the Bail Agency, which period may be extended for good cause shown on application by either agency. Upon a finding of compliance by the applicant with these rules and all applicable laws, the Court shall order the placement by the Clerk of Courts of the name of the applicant on the approved list.

Rule 531(A).7. Removal of Surety or Bondsman from Approved List.

Upon order of the Court of Common Pleas of Chester County, after Motion filed by any interested party and hearing held on not less than ten (10) days notice to the bondsman or fidelity or surety company, the Clerk of Courts shall remove the name of the bondsman or company from the approved list. Grounds for suspension or revocation shall include, in the discretion of the Court:

- (i) failure of the bondsman or fidelity or surety company to comply with any requirement of these rules;
- (ii) suspension of the license of a bondsman by a Court of Common Pleas elsewhere in the Commonwealth of Pennsylvania for reasons other than failure to maintain an office in the county in which the bondsman was suspended;
- (iii) suspension of the license of a fidelity or surety company by the Insurance Department of the Commonwealth of Pennsylvania;

Rule 531(A).9. Approved List, Additions and Deletions, Circulation of.

The Clerk of Courts may make additions to or deletions from the approved list at any time. When there is an addition to or deletion from the list, the Clerk of Courts shall distribute copies of the list to the District Attorney of Chester County, Public Defender of Chester County, Bail Agency, Warden, and to the Court Administrator who shall distribute the list to all sitting Judges and Magisterial District Judges of the 15th Judicial District. An updated list shall be distributed to the above individuals by the Clerk of Courts at least once every twelve (12) months, notwithstanding the absence of any additions or deletions from the list.

Rule 531(A).10. Bail Accepted only from Approved Sureties.

No person or office may accept bail from a bondsman, a fidelity company or a surety company that is not included on the current approved list.

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 Chester County Court 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. Disposition of Bail Deposited by Defendant.

If the Court, upon sentence, orders the defendant to pay a fine and costs of prosecution or to make restitution, the amount deposited by the defendant, whether under the percentage cash bail program or otherwise, shall be first applied, in the case of percentage bail, to the administrative costs of the Chester County Court Bail Agency and then to any restitution ordered by the Court, then to the fine, if any, and then to other costs ordered by the Court to be paid.

Rule 535(D).6. Disposition of Bail Deposited by Third Party.

Where a third party surety has deposited money, under the percentage cash bail program or otherwise, the monies deposited shall be first applied, in the case of percentage bail, to the administrative costs of the Chester County Court Bail Agency. With voluntary written authorization of the person who deposited the bail, any balance shall then be applied to any restitution ordered by the Court, then to the fine, if any, and then to other costs ordered by the Court to be paid.

Rule 535(D).7. Authorization to Pay Attorney.

When authorized in writing by the defendant and any third party surety who posted the deposit, whatever balance of such deposit is repayable to the defendant or the third party surety, may be paid to the defendant's attorney of record, upon filing such written authorization with the Clerk of Courts.

Rule 535(D).8. 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 Chester County Court Bail Agency, or any additional conditions of the defendant's release, the Chester County Court 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 D
PROCEDURES IN COURT CASES BEFORE ISSUING AUTHORITIES**

Rule 543.2(a). 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 543.2(b). 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 543.2(c). 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 543.2(d). 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 543.2(e). 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.

**PART F
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 571.4. 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 F(1)
MOTION PROCEDURES**

Rule 580. Pre-Trial Motion

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

**PART G
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 702.1. Criminal History Information.

When a case is bound over to Court, the District Attorney shall immediately obtain criminal history information records from the Federal Bureau of Investigation and the Pennsylvania State Police Bureau of Criminal Investigation.

Rule 702.2. Forwarding Criminal History Information.

Upon receipt of those records, the District Attorney shall immediately forward copies to defense counsel and the Adult Probation Department. In the event that no record exists, the District Attorney shall report that information to the Adult Probation Department.

Rule 702.3. Role of Adult Probation Department.

Upon receipt of criminal history information records, the Adult Probation Department shall obtain such information as may be missing from the reports, including disposition, sentences and the specific offenses of which the accused has been convicted and any other information necessary to calculate the defendant's prior record score.

Rule 702.4. Delivery of Criminal History to Parties.

Upon the completion of the update of the criminal history information, the Adult Probation Department shall send copies of the updated information to the District Attorney and defense counsel.

Rule 702.5. 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 702.6. 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 him 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 him 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.