

ADAMS COUNTY COURT OF COMMON PLEAS
RULES OF CRIMINAL PROCEDURE

Rule 105.1. Citation and applicability.

These Rules may be cited as Adams C.R.Crim.P. (number), or Local Crim. Rule (number). Unless the context indicates otherwise, or it would be manifestly inappropriate to do so, Local Civil Rules that pertain to business of the Court shall apply to Local Criminal Rules. As used in these rules, "Clerk" shall mean the Clerk of Courts.

Rule 105.2. Appeals.

- A. With the exception of appeals involving minor defendants, appeals from Magisterial District Judge decisions shall be listed for hearing by the Clerk of Courts on the first available Criminal Business Court Day at least twenty-eight (28) days later than the time of the filing of the appeal.
- B. Appeals from summary convictions involving defendants under the age of eighteen (18) years shall be listed for hearing by the Clerk of Courts on the first Juvenile Court (DPS) Day of each month which is at least twenty-eight (28) days later than the time of the filing of the appeal. Immediately upon the filing of the appeal, the Clerk shall provide notice of the appeal and the date upon which it has been scheduled to the Department of Probation Services and the District Attorney's Office. Notice shall be provided to the defendant pursuant to local practice.

Rule 105.3. Requests for closed hearings.

Except as otherwise provided by law or state rule, a party to a criminal action intending to request that a proceeding be closed to the public, must give notice as follows:

(Caption)

Take notice that the undersigned intends to present a request to the Court on _____, 20____, at _____ in Courtroom No./Chambers that proceedings concerning _____ be closed to the public.

The notice shall be posted in the Clerk of Courts' office and shall be mailed to every newspaper in general circulation in Adams County at least ten (10) days prior to presentment.

The moving party will be required to file proof of service at the time the request is made.

Comment: It is not intended that this Rule apply when a statute or general rule requires a private, or in camera hearing. It is intended to apply in situations where a judge has discretionary authority to bar the public from a proceeding.

Rule 105.6. Local Fees.

In addition to fees and charges imposed by statute or by the Supreme Court, the

Court may impose fees as a condition of sentence or the Accelerated Rehabilitative Disposition Program (ARD). Until changed by administrative order, the following shall be assessed a defendant by general wording in an order, to the effect, "the defendant shall pay fees established by Local Rule of court,"

A. all cases:

Public service fee: \$25.00

Drug and alcohol test fee: \$10.00

Law enforcement fund fee: \$10.00

B. all cases except where the charges relate to public welfare fraud:

Local offenders' supervision fee: \$25.00 per month

The sentencing judge may give a defendant the right to request an evaluation by the Probation Office of defendant's financial condition, and a recommendation by that office of suspension or waiver of the supervision fee.

C. driving under the influence cases:

CRN fee: \$35.00

D. driving under the influence cases, when the Probation Office assumes responsibility for conducting the alcohol safe driving program, (all first offenders and ARD participants):

Educational fee: \$150.00 (E) ARD:

Court cases: Administrative fee: \$300.00 per year, or portion thereof, of the program's duration.

Summary cases: Administrative fee: \$25.00 per month, or portion thereof, of the program's duration.

An order may state, "the defendant shall pay fees established by Local Rule of Court except (listed exceptions)", in which instance all fees shall be included except those fees or that fee excepted.

Rules 106--116. Reserved.

Rule 117(B)

The assigned on-call magisterial district judge shall be in contact with the Adams County Central Booking facility via video-conferencing daily at 4:00 P.M., 10:00 P.M.,

and 8:30 A.M. for the conducting of business which shall include receiving criminal complaints, conducting preliminary arraignments, setting bail, and any other business permitted by the Rules of Criminal Procedure.

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

Rules 118-122. Reserved

Rule 120. Attorneys---Appearance and Withdrawals

Upon filing of entry of appearance, counsel of record shall receive notification of filings and docket entries in the matter until said attorney files a withdrawal of appearance and upon approval of said withdrawal by the court.

Rule 123. Unusual District Justice Proceedings.

Whenever cases pending before a district justice

1. involve a greater number of persons expected to attend a hearing, than can be reasonably accommodated in the district justice's facility, and/ or
2. coordination of witnesses, attorneys and prosecuting officers can best be accomplished at a centralized location;

the district justice may request the President Judge to direct that hearings be conducted in a courtroom in the County's Judicial Center;

In addition if:

3. efficient administration of justice requires special scheduling of a pending case, the President Judge may direct that proceedings be held in a courtroom designated by the Court Administrator.

Rules 124—149

Rule 150. Bench Warrants

1. This Rule shall apply to all bench warrants subject to the provisions of Pa.R.Crim.P. 150.
2. Individuals taken into custody as a result of the service of a criminal bench warrant shall be immediately transported and committed to the Adams County Adult Correctional Complex.
3. Upon commitment to the county prison, the Warden, or designated officer, shall determine the nature of and source of the bench warrant.
 - a. If the warrant was issued by a judicial officer of another county, the Warden, or

designated officer, shall promptly notify proper authorities in the jurisdiction which issued the warrant.

- b. If the warrant was issued by a Magisterial District Judge from Adams County, the individual shall be promptly produced before the on-call Magisterial District Judge. If the matter is not resolved at that time, the individual shall be produced before the Magisterial District Judge who issued the warrant within 72 hours of commitment to the prison.
 - c. If the warrant was issued by a Judge of the Court of Common Pleas of Adams County, the procedure set forth below shall be followed.
- 4. On or before 8:30 A.M. of the business day immediately following commitment to the prison, the Warden, or designated officer, shall notify the District Court Administrator of the commitment. The District Court Administrator shall make arrangements for the individual to be produced before the Court no later than 72 hours after commitment to the prison.
 - 5. Any proceeding scheduled pursuant to this Rule may be conducted by videoconferencing. When video-conferencing is used, the judicial officer shall promptly provide appropriate written notice to the prison to either retain or release the individual.
 - 6. This Rule shall be effective for all persons served, detained, or committed on or after July 28, 2006.

Comment:

This Rule is designed to address those situations where an individual has been taken into custody as a result of the issuance of a criminal bench warrant in a court case (see Pa.R.Crim.P. 103). The Rule is not intended to address i) those situations where an individual voluntarily appears before the Court prior to service of the warrant, ii) those circumstances where the individual is taken into custody in or about the Adams County Courthouse, the Court is open for business, and it would be impracticable or unreasonable to transport him/her to the prison in accordance with this Rule, or iii) those situations where the Sheriff of Adams County, in the exercise of his discretion, directs an individual to appear before the Court on a date and time certain (which shall customarily be the next regularly scheduled Bench Warrant court.) Except in the first circumstance, the Sheriff shall promptly notify the District Court Administrator of such apprehension or arrangement for the purpose of providing notification to appropriate persons.

This Rule does not apply to warrants issued in civil matters, i.e. Domestic Relations, Protection From Abuse. In those situations, it is expected that the individual will be promptly produced before the judge who issued the warrant or such other judge who may be designated by the President Judge. However, when a warrant is issued for failure to appear for an indirect criminal contempt proceeding in a Protection From Abuse matter, it is advisable to follow the procedure set forth in this Rule.

Notice to the District Court Administrator required by Paragraph 4 shall include, but not be limited to, the identity of the person committed, the docket number(s), the date the warrant was issued, and the date and time of commitment.

In scheduling a bench warrant hearing, the District Court Administrator shall follow local practice. Generally, the hearing will be scheduled for 1:00 P.M. on the next available criminal court day, i.e., Arraignment, Plea Day, Criminal Business, Bench Warrant Court (Monday and Wednesday.) However, if the warrant was issued for the person's failure to appear at a revocation proceeding, the hearing shall be held on the next regularly scheduled Revocation Court day.

Rules 151-201. Reserved

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

- A. Except as in Paragraph B, search warrants in all cases shall not be issued by any judicial officer unless the search warrant has approval of an attorney of the Commonwealth prior to filing.
- B. Search warrant approval by an attorney for the Commonwealth is not required in the following circumstance:
 - 1. Search warrants to obtain a blood sample to determine blood alcohol content and the presence of controlled substances based on violations of 75 Pa.C.S. §3802(a)-(d), Driving Under the Influence of Alcohol/Controlled Substances, unless the investigation involves a fatality and/or serious bodily injury. In such instance, the affidavit of probable cause shall clearly set forth that the investigation does not involve a fatality and/or serious bodily injury. Absent such clear language or approval from an attorney for the Commonwealth, requests for search warrants for violations of 75 Pa.C.S. §3802(a)-(d) will be denied.

Rules 203--299. Reserved.

Rule 300. Participation in the Accelerated Rehabilitative Disposition Program (ARD) in Summary Proceedings.

Unless and until the District Attorney elects to certify that ARD cases proceed in Court, applications for admission into the ARD program shall be submitted to a District Justice on the same Application, Waiver and Agreement form as is used in court cases. The following procedure shall be followed and the following conditions apply:

- A. In order to be considered eligible, a defendant must specifically waive all appropriate statutes of limitations and defendant's right to a speedy trial under any applicable Federal or State constitutional provision, statute or rule of court during the period of enrollment in the program, and agree to abide by all terms, conditions and monetary obligations imposed by the District Justice.
- B. The District Justice shall establish the duration and conditions of defendant's

probation, and transmit the original application, together with three copies, to the District Attorney for approval. If the District Attorney approves the application, he shall retain one copy, transmit one copy each to the Clerk and to the Probation Office and return the original to the District Justice.

- C. The District Justice may require that the defendant's probation be supervised by either the prosecuting police officer, in which case the District Justice shall set and defendant shall pay a lump sum supervision fee to the municipality employing the officer; or by the Probation office, in which case, defendant shall pay a \$25.00 per month local offender's supervision fee.
- D. If the District Justice requires probation to be supervised by the Probation Office, he shall notify defendant to report to that office at a designated time on a day when the office is open to the public. The ARD program shall commence when defendant reports.
- E. If the District Attorney disapproves the application, prosecution will proceed in the normal manner.
- F. If the Probation Office provides supervision, it shall report any infractions, or successful completion, to the District Justice. A copy of the notification shall be provided the Clerk and District Attorney.
- G. If defendant violates the conditions of the program, the District Justice may, after giving defendant notice and an opportunity to be heard, revoke defendant's admission, in which case prosecution shall proceed in normal fashion.
- H. If defendant successfully completes the program, the District Justice shall dismiss the prosecution and send certified copies of the dismissal to the District Attorney, Clerk, and Probation Office. The Clerk shall report dismissals in the same manner and to the appropriate authorities as is now done in Court ordered ARD cases.
- I. A defendant shall be required to pay costs, supervision and administrative fees established in these Adams County Rules of Criminal Procedure. The District Justice shall disburse costs as provided by law, and fees to the Clerk, who shall keep a record of them, and in turn disburse the same as if ARD had been ordered by the Court.
- J. The Chief Probation Officer shall be responsible for monitoring ARD programs conducted by District Justices and shall report irregularities both to the District Attorney and President Judge.
- K. The District Justice shall collect and disburse an administrative fee, the amount of which may be set by administrative order. Until changed, the fee shall be \$55.00.

Rule 301--506. Reserved.

Rule 507. Approval of Certain Police Complaints by Attorney for the Commonwealth.

The District Attorney of Adams County having filed a certification pursuant to Pa. R. Crim. P. 507, criminal complaints and arrest warrant affidavits by police officers charging any of the following felony or misdemeanor crimes:

- A. Corrupt Organizations in violation of 18 Pa.C.S. § 911
- B. Criminal Homicide in violation of 18 Pa.C.S. § 2501

- C. Murder in violation of 18 Pa.C.S. § 2502
- D. Voluntary Manslaughter in violation of 18 Pa.C.S. § 2503
- E. Involuntary Manslaughter in violation of 18 Pa.C.S. § 2504
- F. Causing or Aiding Suicide in violation of 18 Pa.C.S. § 2505
- G. Drug Delivery Resulting in Death in violation of 18 Pa.C.S. § 2506
- H. Criminal Homicide of Law Enforcement Officer in violation 18 Pa.C.S. § 2507
- I. Criminal Homicide of Unborn Child in violation of 18 Pa.C.S. § 2603
- J. Murder of Unborn Child in violation of 18 Pa.C.S. § 2604
- K. Voluntary Manslaughter of Unborn Child in violation of 18 Pa.C.S. § 2605
- L. Aggravated Assault of Unborn Child in violation of 18 Pa.C.S. § 2606
- M. Strangulation in violation of 18 Pa.C.S. § 2718
- N. Rape in violation of 18 Pa.C.S. § 3121
- O. Statutory Sexual Assault in violation of 18 Pa.C.S. § 3122.1
- P. Involuntary Deviate Sexual Intercourse in violation of 18 Pa.C.S. § 3123
- Q. Sexual Assault in violation of 18 Pa.C.S. § 3124.1
- R. Institutional Sexual Assault in violation of 18 Pa.C.S. § 3124.2
- S. Aggravated Indecent Assault in violation of 18 Pa.C.S. § 3125 (graded as a felony of the second degree or higher)
- T. Arson and Related Offenses in violation of 18 Pa.C.S. § 3301
- U. Dealing in the Proceeds of Illegal Activity in violation of 18 Pa.C.S. § 5111
- V. Homicide by Vehicle in violation of 75 Pa.C.S. § 3732
- W. Homicide by Vehicle While Driving Under the Influence in violation of 75 Pa.C.S. § 3735
- X. Aggravated Assault by Vehicle While Driving Under the Influence in violation of 75 Pa.C.S. § 3735.1
- Y. Criminal Attempt, Criminal Solicitation, or Criminal Conspiracy to commit any of the above offenses

shall not hereafter be accepted by a judicial officer unless the complaint and affidavit has the approval of an attorney for the Commonwealth prior to filing.

Rules 508--523. Reserved.

Rule 524. Supervised Bail.

With or without a motion, and pursuant to local rules and Pa. R.Crim. P. 524, 527 and 530, a judge or district justice may, in addition to setting regular bail, authorize supervised bail and impose conditions in accordance with Local Rules 527 and 530. Supervised bail shall be an alternative to regular bail, and shall continue until revoked, rescinded or modified. The following provisions shall apply to supervised bail:

- a. The judge or district justice shall contemporaneously set regular bail.
- b. Supervised bail shall have the effect of suspending the need for posting regular bail for as long as defendant complies with the conditions of supervised bail, or until such time as the bail remains in effect. Nothing in this rule shall prevent the bail authority from modifying, rescinding or revoking such bail for sufficient reasons other than

noncompliance, upon such notice as the judge or district justice deems appropriate. Defendant shall have the right to appear and contest rescission, modification or revocation.

c. Unless regular bail has also been revoked, defendant shall have the right to post it when supervised bail has been revoked or rescinded.

d. In order to be eligible for supervised bail, defendant must acknowledge in writing that he or she understands and consents to the conditions of supervised bail, including conditions relating to rescission, revocation and modification of such bail and being subject to immediate arrest without a warrant for violation of any bail condition. The form of the application, acknowledgement and consent shall explain that a violation may result in revocation of regular bail, as well, but until such revocation regular bail shall continue and defendant may post such bail until an order of revocation is entered by a judge or district justice.

e. Any probation officer of this court who has reasonable cause to believe that defendant has breached or is breaching any condition of supervised bail shall have authority to declare supervised bail rescinded and to arrest defendant with or without a warrant.

f. Upon arrest and/or rescission, defendant shall be committed to prison pending the posting of regular bail, or reinstatement of supervised bail by a judge or district justice.

g. Defendant, the Commonwealth and the Adams County Probation Office shall each have the right to a hearing before a judge or, for cases pending before a district justice, a district justice. Defendant may request reinstatement of supervised bail, or modification of standard bail. Commonwealth and/or the Probation Office may request forfeiture of any monetary conditions of supervised bail and/or revocation of regular bail.

h. Unless the obligation is suspended or modified by the bail authority, defendant shall be required to pay supervision fees established by administrative order. Until changed, fees are set at \$25.00 per month general supervision fee, and \$6.00 per day fee for electronic monitoring. Defendant may request an evaluation of his or her financial condition and a reduction or suspension of supervision fees. The bail authority may reduce the fee to reflect defendant's ability to pay, or suspend the obligation entirely. In either case, defendant shall be under a continuing obligation to keep the Probation Office informed of any changes in his or her employment status and/or financial condition.

i. Forms as part of the Supervised Bail Program shall be adopted periodically in accordance with Local Rules of Criminal Procedure 527 and 530, by administrative order. Until changed, applications and orders setting bail shall be substantially in the form published as part of Local Rule 527.

j. A defendant, who has otherwise not been considered eligible for supervised bail, may

request an order directing the Probation Office to assess his or her eligibility for supervised bail. Assessment will be made in accordance with Local Rule 527, with recommendations submitted by the Probation Office to the judge designated by the President Judge, via the District Attorney. An application, acknowledgement and consent, signed by defendant, shall be attached to the recommendation.

Rules 525--526. Reserved.

Rule 527. Conditions of Supervised Bail.

Nonmonetary conditions of bail shall be as established by Pa. R.Crim.P. 527, this rule and Local Rule 524. A bail supervision program is established. Procedures, protocol, forms and conditions of bail shall be as described by the program. Until changed by administrative order, description and scope of the program, protocol, procedure and conditions of bail shall conform to the following (numbering is for purposes of organization):

ADAMS COUNTY SUPERVISED BAIL PROGRAM

(A) Purpose.

The supervised bail program is meant to alleviate overcrowding in Adams County Prison by allowing qualified defendants to remain free on bail pending resolution of charges. The aim of the program is to ensure public safety and a defendant's appearance and compliance with conditions of his or her bail bond. The program is not intended as a rehabilitative tool, but rehabilitative conditions may be imposed when there is a substantial likelihood that:

- (1) Conduct, which shall include substance abuse as well as particular mental or emotional states, which is addressed by particular rehabilitative conditions contributed to the charges, and
- (2) Without intervention, such conduct is likely to continue and cause a violation of defendant's reporting requirements or other conditions of his or her bail bond.

(B) Goals and Objectives.

- (1) To maximize the release of defendants on bail by identifying defendants most likely to meet reporting requirements and conditions of bail bonds through supervision.
- (2) To help facilitate judicial decisions regarding bail by providing the issuing authority and/or Court with factual information about the defendant in a timely manner.
- (3) To monitor defendants who have been placed on the supervised bail to ensure compliance with the conditions of release.

- (4) To establish a process that would increase the release of qualified defendants from the Adams County Prison pending resolution of charges.
- (5) To identify defendants with substance abuse problems, and when appropriate, to refer them to appropriate treatment facilities.
- (6) To promote defendant's accountability through community supervision and treatment.
- (7) To monitor defendants to ensure compliance with bail conditions.
- (8) To provide information regarding a defendant's compliance with conditions, treatment requirements and overall progress on the program when plea agreements are presented to the Court and/or as aids to sentencing.
- (9) To establish forms, protocol, procedure and reasonable rules and regulations to enable the Adams County Probation Office to administer and operate a supervised bail program and to inform defendants of bail conditions and consequences of violations thereof.
- (10) To ensure public safety.

(C) Intake.

Intake procedure by the Probation Office involving supervised bail may be categorized as follows:

- (1) Low risk supervision, where conditions are initially set by the bail authority, and defendant is immediately released subject to compliance with those conditions and an obligation to report to the Probation Office no later than 2:00 p.m. the following business day.
- (2) Regular or more restrictive supervision, where the bail authority authorizes supervised bail, subject to establishment of conditions and execution of all necessary documents.
- (3) The bail authority refers defendant to the Probation Office for assessment and recommendation of eligibility or non-eligibility for supervised bail. Normally, judges and district justices should not authorize release on supervised bail prior to a defendant's referral to the Probation Office. Otherwise, a hiatus may occur in supervision. However, in exceptional cases, when the Probation Office is not open and when the judge or district justice determines that a defendant presents a low risk of violating conditions of the bail bond, a defendant may be released on supervised bail. All defendants shall be referred to the Probation Office for evaluation, execution of necessary papers and supervision, and that office shall assess and process the defendant.

If a judge or district justice admits a defendant into the program when the Probation Office is open, defendant shall be referred to the office before being released. When the office is closed, low risk defendants may be temporarily released, after signing all necessary acknowledgements, agreements and consents, on condition that he or she report to the Probation Office no later than 2:00 p.m. the next business day following release. In all cases, the Probation Office shall provide the District Attorney with an opportunity to comment upon bail and to request conditions.

(D) Classification and Entitlement.

Classification and entitlement to supervised bail shall differ between low risk assessments and regular and more restrictive supervision as follows:

(1) Low risk assessments: The Probation Office shall submit its assessment and recommendation to the District Attorney, who shall approve, disapprove or approve with additional conditions. The application will then be returned to the Probation Office and defendant given an opportunity to agree to additional conditions and/or a higher level of supervision. If defendant agrees, he or she shall sign necessary forms, which will be forwarded to a judge or district justice for entry of an order. If defendant does not agree, the matter shall be listed for hearing. Defendant shall remain on supervised bail in the interim.

(2) Other assessments: The Probation Office shall follow the same procedure as in low risk cases. However, defendant shall not be entitled to supervised bail until he or she has either agreed to recommended or requested conditions, or after hearing.

(3) A defendant may agree conditionally with conditions and level of supervision, while requesting a hearing to consider modification. In such case, defendant may be released on supervised bail subject to the recommended conditions and level pending consideration of defendant's request for modification.

When defendant has been referred for an assessment, the Probation Office shall evaluate the defendant, confer with the District Attorney and promptly notify the referring judge or district justice of its recommendations. The report shall include: (a) when the bail authority has not yet authorized supervised bail, that defendant either be granted or denied supervised bail, and (b) when supervised bail is recommended or has been authorized, that a specific level of supervision and identified special conditions be imposed. If admission is recommended, defendant's signed application, acknowledgement and consent containing proposed conditions of supervision will be included. An order may then be entered releasing defendant on supervised bail. If defendant requests modification of any condition, a hearing shall be set.

No defendant shall be released on supervised bail until he or she has read, acknowledged understanding, agreed to comply with and signed supervised bail conditions

and rules. Failure to do so will be deemed a rejection of supervised bail. The Probation Office shall promptly notify the appropriate judge or district justice of defendant's rejection, when the refusal occurs in the Probation Office.

District Justices shall notify the Probation Office by phone or fax when they have placed a low risk defendant on supervised bail. Copies of all orders and forms shall be promptly provided. Efforts should be made to avoid having defendants "just show up" at the Probation Office without the prior knowledge of that office. District Justices shall also promptly provide the Probation Office with copies of orders in all cases where supervised bail is authorized, or where assessments are ordered.

The Probation Office shall periodically review admissions to the Adams County Prison to determine if any prisoners may be eligible for supervised bail. A probation officer may contact the President Judge or appropriate district justice with pertinent information and recommendations. In appropriate cases, a probation officer may assist prisoners in preparing and submitting bail applications, acknowledgements and consents. The District Attorney shall be provided an opportunity to agree or object to supervised bail.

(E) Assessment and supervision levels.

The Probation Office shall assess defendants to determine the level of necessary supervision and, after input from the District Attorney, shall recommend a particular level and special conditions, if any, to the bail authority. Levels may subsequently be changed upon recommendation of the Probation Office and approval of the bail authority. When restrictions are decreased, defendant's consent shall not be required. When restrictions are increased, defendant must agree, after being notified that failure to agree will be considered a rejection and rescission of supervised bail.

Levels will generally conform to the degree of supervision provided defendants released on probation or parole. In assessments for purposes of recommending a particular level, the Probation Office shall consider bail factors listed in Pa. R.Crim.P. 4002, impressions garnered during interviews, and other factors as may be set forth in this document. The office shall recommend one of four levels, which are:

1. Low risk supervision
2. Regular supervision
3. Intensive supervision
4. House arrest, with or without electronic monitoring

(F) Documentation.

The Probation Office shall maintain regular and appropriate records regarding defendant's supervision and compliance with bail conditions.

(G) Initial field/home contact.

The initial home visit/field contact shall take place within 3 working days of receipt of the case. The purpose of this contact is to verify the residence, obtain a layout of the residence, verify all occupants of the residence, and determine whether the possibility exists that weapons or illegal contraband might exist within the residence and determine whether the residence is a suitable environment.

(H) Collateral contacts.

Contact with local law enforcement authorities as well as treatment providers shall be encouraged in order to enhance the community supervision and monitoring of the defendant. Information shall be sought concerning adjustment in the community and compliance with bail conditions

(I) Standard conditions of supervision.

The following conditions, as set forth in Local Crim. Rule 705.1.d, shall apply to all defendants. 1a. b.; 3a. b. c. d. e. f.; 4a. b. c.; 7a. c. d.; 8. Other conditions shall apply if specifically ordered. If defendant is under the age of 21, condition 1 c shall apply.

(J) Levels.

(1) Low risk supervision

This type of supervision will be ordered when a defendant presents a low risk of violating bail conditions and does not pose a threat to the community, but regular bail without monetary conditions may not guarantee defendant's required appearances, and defendant is unable to post such regular bail. Defendants under the age of 21 shall be subject to special condition 1c. Typically, defendant shall be required to report frequently by telephone and to periodically appear either at the Probation Office or to a local police department. Defendant shall be required to submit to random tests of blood, breath or urine to detect the presence of controlled substances and to pay a \$10.00 test fee. The right to travel beyond a 150-mile radius of the Adams County Courthouse shall be subject to at least ten days prior notice to the Probation Office. The Probation Office shall then notify defendant within three working days if it forbids, or approves such travel as well as any conditions it imposes.

Notice given orally to defendant shall suffice.

(2) Regular Supervision

This type of supervision will be ordered when defendant presents a moderate risk of non-compliance and will typically conform to supervision provided persons released on probation or parole for non-violent crimes, which are relatively

minor in nature. Some felonies, such as forgery, may be included and some misdemeanors, such as indecent assault, may be excluded. Simple assaults may be included, depending upon the circumstances. Gradation of the offense shall not, in itself, be dispositive. Reporting requirements may not significantly differ from low risk supervision, but other conditions, such as prohibition of alcohol consumption, and drug and alcohol assessment may be added. The following are additional considerations:

- * minimal or no prior delinquent or criminal history
- * some history of mental or emotional disorders or drug/alcohol abuse but no present indications of such issues
- * defendant has responded favorably to previous supervision
- * defendant is employed or provides care for children

(3) Regular supervision contact requirements

There will be bi-weekly personal contact with the defendant. Telephone contact shall occur on a more frequent basis, as needed. Contact may either be with the Probation Office or a local police department, if authorized by court order or by the Probation Office.

The Probation Office shall conduct a minimum of one curfew check weekly and one home visit per month.

If bail conditions prohibit consumption of alcoholic beverages, defendant must pay a test fee and submit to random tests of his or her blood, breath or urine to detect the presence of controlled substances and/or alcohol. Test indication of the presence of alcohol or illegal controlled substances shall be grounds for rescission of supervised bail. Defendant may be ordered to undergo a drug and alcohol assessment/evaluation to determine the need for appropriate treatment and to participate in recommended treatment. Standard conditions hereinafter recited shall be modified as follows:

Curfew--11:00 PM - 6:00 AM, unless special permission granted by Probation Officer or defendant is working at approved employment.

Travel limitations--Unless his or her bail conditions specify otherwise, a defendant may travel freely within a one hundred fifty-mile radius of the Adams County Courthouse, so long as the defendant remains within Pennsylvania and no approval is necessary. A defendant may request, as a part of his or her application, permission to travel beyond Pennsylvania, and if the request is granted, not further authorization will be needed. Otherwise, defendant must have the bail authority or a Probation Officer's permission to leave the Commonwealth. In any event, he or she must have such approval to travel beyond a one hundred

and fifty-mile radius measured from the Adams County Courthouse.

Employment/Education/Training--If employed, must maintain employment. If unemployed, and if health permits, defendant must actively seek employment. The Probation Officer may require completion and weekly submission of job search applications. Defendant must continue schooling and/or job training if enrolled.

(4) Special conditions of supervision

The following criteria shall be considered in determining whether special conditions of probation as set forth in Local Crim. Rule 705.1(d) and being 1 c. d. e; 2 b. d., (which relate to consumption of alcoholic beverages, counseling and evaluation), should be imposed are:

- * defendant has a history of criminal involvement with alcohol or controlled substances, such as a prior DUI conviction.
- * police information indicates that alcohol or drug consumption was involved in the crime charged. This factor includes indications that defendant may have committed the crime while under the influence or was motivated by a desire to procure controlled substances and/or alcoholic beverages, or that the crime involves the use of controlled substances.
- * defendant is charged with DUI and his or her blood alcohol concentration was .20 percent or greater.
- * defendant has indicated symptoms of mental or emotional impairment, such as disorientation, confusion, incoherence, or inability to focus, think and speak rationally.

(5) Intensive supervision

(a) All conditions of regular supervision, except as changed or modified by more restrictive conditions, shall apply to intensive supervision.

(b) The following may be considered in determining whether defendant's bail should be intensively supervised:

- * crimes which involve possible classification as a dangerous offender or violent sexual predator.
- * the victim of the alleged crime is a child, or someone to whom defendant has convenient access, or whom defendant may have previously harassed, stalked or threatened.

- * defendant has a significant history of delinquent and/or criminal behavior.
- * defendant has a history of mental/emotional disorders or displays chronic alcohol or drug abuse.
- * defendant did not comply with less restrictive conditions of the bail supervision.
- * the Probation Officer's experience with the defendant or his or her prior criminal history gives the officer reasonable grounds to believe that more restrictive supervision is necessary.

The Probation Office shall maintain one face to face contact, either in the office or community setting, and one collateral contact weekly with the defendant. [Collateral contact is communication with the defendant by the telephone or communication in some manner with another person having regular contact with defendant, such as a local law enforcement officer, treatment specialist/provider, family member, etc.] The probation officer shall conduct a minimum of one curfew check per week as well as a minimum of two home visits per month on defendant.

The following conditions shall apply:

Drug testing/breathalyzer--minimum of one Breathalyzer and one urinalysis test per week. Random testing as deemed appropriate by the Pretrial Officer

Curfew--10:00 PM - 6:00 AM Sunday through Thursday unless working at approved employment 11:00 PM - 6:00 AM Friday and Saturday unless working at approved employment

Travel limitations--Within Adams County there shall be no restrictions as to travel and no approval is necessary, as long as defendant complies with other conditions, such as curfew.. Outside County - Defendant must have Probation Officer's permission to leave Adams County.. Requests for deviation must be submitted at least ten days in advance and the Probation Office shall have three working days to approve, with or without conditions, or disapprove the request.

Employment/Education/Training--Must maintain employment. If unemployed, and if physically able, must actively seek employment and complete job search forms. [Minimum of one per week] Must continue schooling if enrolled in school and continue educational pursuits as appropriate.

If ordered, the following condition will apply:

Evaluation and treatment Services - Defendant will undergo a drug and alcohol and/or mental health evaluation to determine the need for appropriate treatment, and shall follow the recommendations resulting from the evaluation.

(6) House Arrest

House arrest, with or without electronic monitoring is the most restrictive form of supervised bail. All conditions of restrictive supervision shall apply, as modified by more restrictive conditions. Defendant shall be confined to his or her residence and shall not be permitted to leave except for purposes and at such times as specifically authorized by the Probation Office. Defendant must keep the Probation Office informed of his or her whereabouts at all times.

House arrest may be ordered when charges involve serious crimes, where defendant has failed to comply with less restrictive conditions, or presents a threat to commit other crimes or to abscond. It involves situations where supervised bail would not normally be considered, but defendant's employment or family situation provides a degree of assurance that defendant will comply with conditions of his bail. It may also be ordered when defendant's trial has been delayed, and regular bail imposes a financial hardship on defendant and/or his family. All travel must be approved by the defendant's Probation Officer.

(K) Forms.

Until changed by administrative order, the following forms are adopted.

APPLICATION, ACKNOWLEDGEMENT AND CONSENT

I hereby apply for release on supervised bail. I agree to pay fees associated with the Supervised Bail Program. I understand that I will be subject to supervision by Adams County Probation Office. I acknowledge that conditions of supervised bail have been explained to me and that I understand them. I also understand that additional conditions may be imposed in the future, and agree to comply with all conditions. I understand that if I refuse to agree to additional conditions or an increase in my supervision level, supervised bail may be rescinded and I shall be subject to imprisonment until I have posted regular bail.

I further acknowledge specific understanding of the following:

* If an Adams County Probation Officer has reasonable grounds to believe that I have violated conditions of supervised bail, the officer has absolute authority to declare supervised bail rescinded and to arrest and commit me to prison.

* If this happens, I have the right to post regular bail that has been set in addition to supervised bail, and to request a hearing to ask that the rescission be set aside, or that regular bail be modified or changed.

* The Probation Officer may also request a hearing to ask that monetary conditions of my supervised bail be forfeited, and/or that both supervised and regular bail be revoked.

* Conditions of supervised bail shall include conditions of probation and parole, 1a. b.; 3a. b. c. d. e. f.; 4a. b. c.; 7a. c. d.; 8; and _____

I agree to comply with all conditions of supervised bail, including conditions of my bail bond.

I also agree:

1. To cooperate with the Probation Office at all times, and agree to follow all orders given by any probation officer. I will appear before the issuing authority or Court at all required times until full and final disposition of the criminal proceedings in this case.

2. I understand that my regular bail is set at \$ _____ , and that I have the right to post regular bail, until and unless it is revoked.

3. If conditions 2b. or 2d. are included as conditions, I agree to cooperate in obtaining an evaluation and assessment, and if directed by the Probation Office, to participate in any treatment program [drug, alcohol or mental health program], educational program, psychiatric counseling, life skills programming, AA, NA or any other "Treatment" Program deemed appropriate by the Probation Officer during the period I am under supervision. I will follow all directives and recommendations made by the treatment and/or program provider. I understand that failure to complete a recommended "Treatment" Program or refusal to abide by the conditions of the program is a violation of my bail conditions and will result in rescission of supervised bail and my incarceration in the Adams County Prison until I post regular bail.

4. I agree to sign all appropriate "Release of Information" forms allowing the Probation Officer access to the "Treatment Program" information necessary to monitor my progress and compliance with all program conditions.

5. I agree to maintain my residence at _____ , Phone # _____ and will not change my residence without the prior written permission of the Probation Office. I understand that I am not permitted to reside with or have any contact in any manner with non-family members who are codefendants, victims, persons on probation or parole or any person with a known criminal record.

6. I authorize the Adams County Adult Probation Department to search my person, property and/or residence at any time with or without a search warrant for the period I am on the supervised bail. Any items, the possession of which constitute a violation of the bail supervision rules/conditions and/or bail/bond conditions, may be seized and used as evidence before the Court in the Bail revocation process.

7. I agree that I may not own, possess, use, carry, or transport any firearm or deadly weapon while on the supervised bail. I understand that if there is any question about whether a particular article is a deadly weapon, I must seek the Probation Office's approval for such possession, use, or ownership.

8. I understand that I may not travel beyond a radius of 150 miles measured from the Adams County Courthouse. In addition, restrictions imposed in 8a and 8b shall apply if checked. I may not travel beyond designated areas without prior Probation Office approval. I also understand that I must request Probation Office approval for a deviation from any restriction at least 10 days in advance, and that the office shall approve or disapprove my request within three working days after receiving it. Lastly, I understand I must comply with all conditions imposed by the Probation Office regarding such travel.

8a. ☐ I understand that I may not leave the Commonwealth of Pennsylvania.

8b. ☐ I understand that I may not travel beyond Adams County.

9. I understand that condition 3a. requires me to comply with all municipal, county, state and Federal laws; and to live as a law-abiding citizen while on supervised bail. I understand that condition 3b. requires me to notify the Probation Office within 48 hours of receiving a criminal summons or citation, or of any arrest.

10. I understand that I am not permitted to associate or have any type of contact with any person with a criminal record without the prior approval of the Probation Office.

11. If condition 1c. is included as a condition of my supervised bail, I understand that I may not consume beverages containing alcohol. If 1e. is included, I may not consume alcoholic beverages without permission of the Probation Office.

12. I understand I must refrain from the unlawful possession, use, or distribution of illegal drugs and controlled substances.

13. If condition 1d. is included as a condition of my supervised bail, I understand that without prior approval of the Probation Office I am not permitted to be present in any establishment that serves alcoholic beverages.

14. I agree to submit to blood, breath, or urinalysis testing at any time. Any positive results indicating the presence of a prohibited drug, drug metabolites, and/or a nonprescribed drug and/or alcohol (if I am subject to condition 1c. or 1e.) shall be a violation of supervised bail and will result in rescission of supervised bail and incarceration in the Adams County Prison. I understand that I will be given two [2] hours to produce a urine specimen of sufficient quantity for testing. Failure to produce a specimen of sufficient quantity and quality for laboratory testing within that time will be deemed a violation of supervised bail and can also result in my incarceration in the Adams County Prison.

15. I agree to comply with a curfew of _____ as imposed by the Probation Officer. During this period, I must live at the approved residence at all times.

16. I agree to pay fees as ordered, which are: ☐ \$25.00 per month supervision fee; ☐ an

electronic monitoring fee of \$6.00 per day; or ☐ \$_____ .

17. I agree to sign a form waiving my rights to formal extradition, and/or the right to be produced before a judicial officer should I be arrested within another jurisdiction.

Defendant

Date

Probation Officer

Form of Order

(Caption)

And Now, _____, 20____, bail is set in the sum of \$_____. Cash percentage bail ☐ is ☐ is not available. Bail shall be subject to requirements of local and state rules of Court and law, and the following special conditions (if none, write none):

A copy of this order shall be provided defendant, Adams County Prison and the Adams County Probation Office.

The following apply, if checked:

☐ Defendant is released on supervised bail, subject to conditions in his application, acknowledgement and consent and subject further to his appearance at Adams County Probation Office no later than 2:00 p.m. on _____ .

☐ Defendant is notified that he/she may be required to agree to additional conditions after assessment by the Probation Office, in order for supervised bail to continue.

☐ Defendant may be released on supervised bail after arrangements and proper paper work are completed with the Probation Office, and defendant has signed all necessary forms.

☐ Defendant is referred to the Probation Office for evaluation and recommendation of eligibility for supervised bail.

☐ Defendant's obligation to post regular bail as a condition of release ☐ is; ☐ *shall upon execution of all forms be*, suspended and defendant may be released on alternative supervised bail for as long as defendant complies with conditions of supervised bail, and/or until such bail is rescinded, modified, or revoked. Supervised bail shall

be subject to conditions of law, state and local rules of Court, as well as all other conditions incorporated in defendant's application, acknowledgement and consent. In addition, supervised bail shall be subject to the following conditions, as checked:

☐ ROR ☐ monetary condition in the sum of \$, with cash percentage bail ☐ available ☐ not available; ☐ Special conditions:

☐ payment by defendant of a supervision or monitoring fee of \$_____ per _____.

☐ defendant shall be under a continuing obligation to keep the Probation Officer informed of his employment and financial status.

☐ house arrest

☐ electronic monitoring

Any probation officer having reasonable cause to believe that defendant has violated any condition of supervised bail may declare supervised bail to be rescinded and arrest defendant with or without a warrant. Upon arrest, defendant shall be committed to prison pending the posting of regular bail. The probation officer shall promptly file a notice of rescission and arrest with the appropriate court or district justice office and may request revocation of supervised and regular bail, as well as forfeiture of monetary conditions of supervised bail.

Defendant may request that supervised bail be reinstated or that regular bail be modified.

By the Court,

Judge or District Justice

Order of Referral
(to be used when a request for supervised bail
is submitted after bail has been set)

(Caption)

And Now, _____, upon motion of the defendant, the request for supervised bail is referred to the Probation Office. That office shall evaluate defendant, explain the contents of the application, acknowledgment and consent, and when defendant has signed that form, submit a recommendation to this court via the District Attorney, with the form attached.

By the Court,

Judge

Notice of Rescission and Order

(Caption)

To the defendant:

Your supervised bail has been rescinded and you are subject to imprisonment until you have posted regular bail or until supervised bail is reinstated. You have the right

to post regular bail unless and until that bail is revoked. Both you and the Probation Office have the right to demand a hearing. You may either demand that hearing immediately, or file your request promptly with either the court or the district justice who set your bail. Promptness will be determined in light of all circumstances, but generally requires filing within ten days. You may request that supervised bail be reinstated and/or that regular bail be modified or changed. The Probation Office may request that regular bail be revoked and/or that any monetary conditions of your supervised bail be forfeited.

Dated: _____

Probation Officer

I acknowledge receipt of this notice. I ☐ *do*; ☐ *do not* request a hearing.

Dated: _____

Defendant

And Now, _____, a hearing is scheduled for _____, in a courtroom to be designated. The Probation Office shall notify all interested persons.

By the Court,

Judge

Forms for internal use may be adopted by the Probation Office at any time.

Probation Office Report

☐ Defendant has signed all necessary papers and has been released on supervised bail. ☐
Defendant has signed all necessary papers and has not been released on supervised bail.

☐ Defendant has either not agreed to all conditions, has not signed all necessary

papers, or has not appeared as directed by order and supervised bail has been rescinded.

☐ The Probation Office recommends that special conditions _____ be added before defendant is released on supervised bail. Defendant ☐ has ☐ has not agreed to additional conditions.

(The next items to be checked when defendant has been referred to the Probation Office for evaluation and recommendation.)

☐ The Probation Office recommends that defendant be considered eligible for supervised bail subject to standard conditions of the supervised bail program and additional conditions ____ .

☐ The Probation Office recommends that defendant be considered ineligible for supervised bail.

Dated: _____

Probation Officer

District Attorney's Acknowledgment

(In all cases)

I acknowledge that I have received notice of defendant's supervised bail status. (For referral cases only) ☐ I acquiesce in supervised bail ☐ I oppose supervised bail ☐ I do not oppose supervised bail if condition(s) _____ are added.

Dated: _____

District Attorney

If defendant conditionally agrees to conditions and level of supervision, but requests that the court modify or change either of them, check here ☐ and have him sign.

Dated: _____

Signed (by defendant)

Order

(after referral)

Caption

AND NOW,

The following apply, if checked:

☐ Defendant's request for supervised bail is denied.

☐ Defendant may be released on supervised bail subject to conditions in the application, acknowledgment and consent. The court will consider defendant's request for modification on _____, 200, at _____ o'clock _____M. (if applicable).

☐ Defendant's obligation to post regular bail as a condition of release ☐ is;
☐ shall upon execution of all forms be, suspended and defendant may be released on alternative supervised bail for as long as defendant complies with conditions of supervised bail, and/or until such bail is rescinded, modified, or revoked. Supervised bail shall be subject to conditions of law, state and local rules of Court, as well as all other conditions incorporated in defendant's application, acknowledgement and consent. In addition, supervised bail shall be subject to the following conditions, as checked:

☐ ROR ☐ monetary condition in the sum of \$_____, with cash percentage bail ☐ available ☐ not available; ☐ Special conditions:
_____ ☐ payment by defendant of a supervision or monitoring fee of \$_____ per _____.

☐ defendant shall be under a continuing obligation to keep the Probation Officer informed of his employment and financial status.

☐ house arrest

☐ electronic monitoring

Any probation officer having reasonable cause to believe that defendant has violated any condition of supervised bail may declare supervised bail to be rescinded and arrest defendant with or without a warrant. Upon arrest, defendant shall be committed to prison pending the posting of regular bail. The probation officer shall promptly file a notice of rescission and arrest with the appropriate court or district justice office and may request revocation of supervised and regular bail, as well as forfeiture of monetary conditions of supervised bail. Defendant may request that supervised bail be reinstated or that regular bail be modified.

By the Court,

Judge

Rule 527.1. Realty Bail.

- A. In cases where realty is posted as bail, the following procedures shall be applied to determine the value of the realty and the equity in it:
1. The fair market value of the realty shall be established by a written appraisal report prepared by a real estate broker duly licensed in Pennsylvania, within three (3) months of the date of presentation of the report; or by multiplying the assessed value of the realty (land and improvements) by the common level ratio factor prescribed by the Pennsylvania Department of Revenue from time to time for transfer tax purposes.
 2. The equity in realty shall be determined by considering the appraisal and a lien certificate signed by any attorney at law authorized to practice in this Commonwealth, including the solicitor of the Recorder of Deeds, Prothonotary, Tax Claim Bureau, or a duly authorized agent of a title insurance company licensed to do business in Pennsylvania. The certificate must identify all liens against the property and the face amounts thereof. Statements from lienholders about current balances may also be considered.
- B. Certificates and appraisals shall be presented to the District Justice or to the Clerk for determination of the acceptability of the realty for bail purposes. A defendant may appeal any adverse ruling to the Court.
- C. The official with whom bail is posted shall collect a fee to enter and satisfy judgment in an appropriate office in the county in which the realty is situated. Until changed, the fee for judgments in Adams County shall be \$14.50. Defendant must produce proof of the fee for any county other than Adams.
- D. If a District Justice accepts such bail, he/she shall transmit the judgment and satisfaction fee and a certified copy of the bail bond to the Clerk's office. In all instances when realty is accepted, the Clerk shall transmit to the Court a certified copy of the bail bond, together with a proposed order directing that judgment be entered against both the defendant and surety in favor of the Commonwealth of Pennsylvania, to the use of the County of Adams.
- E. Upon receipt of an order signed by a judge, the Clerk shall transmit a certified copy of the order, the judgment and satisfaction fee, and a certified copy of the bail bond to the appropriate office for entry of judgment.
- F. In Adams County, the appropriate office for entry of judgment shall be the Prothonotary's office.
- G. The order shall be substantially in the following form:

(CAPTION)

ORDER

And Now, this _____ day of _____, _____, it is ordered that judgment in the

amount of \$ be entered in favor of the Commonwealth of Pennsylvania, to the use of the County of Adams, and jointly against _____ and _____. No execution shall proceed against the judgment defendants without leave of court. No interest shall accrue on the judgment unless and until an order forfeiting bail is entered against judgment defendants in the criminal case. When the bail obligation is satisfied, the Clerk of Courts shall promptly direct the appropriate officer to satisfy the judgment.

By the Court,

J.

Rule 528.

In addition to the forms of security permitted by Pa.R.Crim.P. 528 to satisfy monetary conditions of bail, a defendant or other surety may deposit the following forms of security in lieu of cash:

- A. Certified Check payable to the Clerk of Courts and issued by a bank with a branch office located in Adams County, when security is being deposited directly with the Clerk of Courts.
- B. Money Orders when the Office of the Clerk of Courts is closed for business and security is being deposited at the Adams County Adult Correctional Complex.

This Order shall become effective immediately.

Rule 529. Bail Modification.

Defendants' motions for reduction or modification of bail must, in the absence of extraordinary circumstances, be presented in duplicate to the Court Administrator, who shall then 1) consult with the District Attorney to establish a suitable date for hearing, 2) set a hearing, and 3) provide the District Attorney with the duplicate copy of the motion and court order setting the hearing. The motion and its copy must be accompanied by the following completed form:

BAIL INFORMATION

Name: _____ Date of birth: _____

List any aliases you may use or have used: _____

1. State your address: _____ Street

_____ City

_____ State

_____ Zip

For how long have you resided there? _____

List other places you have lived within the past five (5) years:

2. State your telephone number: ()

3. Where do you work?

4. How long have you worked there?

5. What is your take home pay?

6. Name the persons who are dependent upon you for support:

NAME	AGE	RELATIONSHIP	ADDRESS (If the same as yours, write same)
------	-----	--------------	---

7. State your marital and living status: ☐ married; living with spouse; ☐ married, but separated;
☐ divorced; ☐ living with girl/boyfriend.

8. Prior employment within 5 years:

EMPLOYER'S NAME	PERIOD OF EMPLOYMENT
REASON FOR TERMINATION	

9. Do you ☐ own your own home; ☐ rent a home or apartment; ☐ live with a friend.

10. Do you have family members or a girl/boyfriend living in Adams County? ☐ Yes; ☐

No

State names and relationship: _____

11. Do you consume alcoholic beverages? ☐ Yes; ☐ No. If yes, ☐ beer; ☐ wine; ☐ whiskey;
How many drinks per day? _____

11(a) (Optional) Have you ever had a drug dependency? (yes or no) _____

12. Have you ever missed work because of alcohol consumption? [] Yes; [] No

Have you been counseled or treated for alcohol abuse? [] Yes; [] No If yes, when and by whom: _____

13. Have you ever been convicted of an alcohol or drug related crime? [] Yes; [] No. If yes, when and where: _____

14. What are you charged with? _____

15. Who is the prosecuting police officer? _____

16. Where is your case? [] at the District Justice [] In Court

17. What is your present bail? _____

18. If you have posted bail in any other case, state when, where and the amount of bail:

19. Have you ever failed to appear as directed in any criminal proceeding, or have you ever been charged with escape? (yes or no) _____. Explain: _____

20. Give the name of a person who can verify your address:

Name

Address

Phone #

Give the name of a person who can verify your employment:

Name

Address

Phone #

21. What bail are you requesting? _____

22. Where are you in jail? _____

23. Who is your attorney? _____

Signature _____ Date: _____

Comment: This rule is intended to apply not only to motions clearly designated as requests for bail reductions, but also petitions for writs of habeas corpus where the obvious relief sought is bail reduction.

Rule 530. Bail Agency.

For purposes of administering the supervised bail program, the Adams County Probation Office is designated as the bail agency for this court.

Rules 531--534. Reserved.

Rule 535. Fees Upon Return of Deposits.

The costs of administering cash bail, including costs of the percentage-cash bail program, shall be set by administrative order. Until changed, the Clerk or District Justice shall retain \$25.00 as costs, when returning cash deposits to the persons entitled thereto. The amount retained shall then be paid to the County of Adams.

Rules 536--540. Reserved.

Rule 541 Waiver of Preliminary Hearing

- A. A defendant represented by counsel may waive the right to a preliminary hearing by both the defendant and counsel executing a waiver in substantially the form set forth in Rule 541.1. The waiver shall be prepared by the presiding Magisterial District Judge prior to the defendant's execution of the waiver. Upon defendant's execution of the waiver, the waiver must be returned to and, if accepted, signed by the Magisterial District Judge. The executed waiver may be presented by counsel to the presiding Magisterial District Judge no later than the end of business on the Friday preceding the preliminary hearing.
- B. If bail was set at preliminary arraignment, bail shall remain as set unless the defendant requests a hearing.
- C. Bail for any defendant waiving preliminary hearing who has not otherwise been preliminarily arraigned by a Magisterial District Judge shall be set by the presiding Magisterial District Judge. Bail shall be noted by the Magisterial District Judge on the waiver form prior to execution of the form by the defendant. Bail shall be conditioned upon compliance with the following conditions in addition to any special conditions set by the Magisterial District Judge:
 - 1. The defendant must appear at all times required until full and final

disposition of the case(s).

2. The defendant must obey all further orders of the bail authority.
 3. The defendant must provide a current address and must give written notice to the bail authority, the Clerk of Courts, the District Attorney, and the court bail agency or other designated court bail officer, of any change of address within 48 hours of the date of the change.
 4. The defendant must neither do, nor cause to be done, nor permit to be done on his or her behalf, any act as prescribed by Section 4952 of the Crimes Code (relating to intimidation of witnesses or victims), or by Section 4953 (relating to retaliation against witnesses or victims), 18 Pa. C.S. § 4952, 4953.
 5. The defendant must refrain from criminal activity.
 6. The Defendant must comply with any fingerprint order, if any is issued by this Court.
- D. Execution of the waiver form by a party will indicate their acknowledgement of the bail conditions. The Magisterial District Judges are relieved from requiring further signature of the defendant on bail documentation.
- E. When a waiver is executed and filed with the Magisterial District Judge pursuant to the terms of this section, the Magisterial District Judge shall confirm receipt of the same to defendant's counsel. Upon confirmation of receipt, the defendant's obligation to appear as previously directed is waived.

Rule 541.1 Form of Waiver

The notice shall substantially be in the following form:

IN THE COURT OF COMMON PLEAS OF ADAMS COUNTY, PENNSYLVANIA

CRIMINAL

COMMONWEALTH OF PENNSYLVANIA

MJ-513____-

VS.

I verify that the foregoing is true and correct to the best of my knowledge:

1. I am represented by counsel of record and wish to waive my preliminary hearing.
2. If I am represented by counsel, my attorney concurs in this waiver.
3. I understand the nature of all charges against me.

4. I understand that I am required to report for formal arraignment before the Adams County Court of Common Pleas on the date and time provided to my attorney. In that regard, I will consult with my attorney concerning the date which I must appear. I am further aware that my presence at formal arraignment is required and if I fail to appear, the proceeding may be conducted in my absence and a bench warrant will be issued for my arrest.
5. I understand that my bail has been set at _____ and that failure to appear as directed at all future court proceedings or to otherwise comply with the conditions of bail as set forth hereinbelow may result in forfeiture of the bail bond and issuance of a warrant for arrest.
6. I understand that the conditions of my release as established in paragraph 5 above are as follows:
 - a. I must appear at all times required until full and final disposition of the case(s).
 - b. I must obey all further orders of court.
 - c. I must provide a current address and must give written notice to the

Adams County Clerk of Courts and the Adams County District Attorney of any change of address within 48 hours of the date of the change. In this regard, if my address listed on the criminal complaint is inaccurate, I must advise the Clerk of Courts and the District Attorney of the correct address within 48 hours of the date this document is executed by me.
 - d. I must neither do, nor cause to be done, nor permit to be done on my behalf, any act as proscribed by Section 4952 of the Pennsylvania Crimes Code (relating to intimidation of witnesses or victims) or by Section 4953 (relating to retaliation against witnesses or victims), 18 Pa. C.S. § 4952, 4953.
 - e. I must refrain from criminal activity.
 - f. I must comply with any fingerprint order if issued by any court.

I verify that the facts contained in the above pleading are true and correct to the best of my knowledge, information, and belief. I understand that the facts herein are verified subject to penalties for unsworn falsification to authorities under Section 4904 of the Crimes Code (18 Pa. C.S. § 4904). I have been advised by the issuing authority of my right to a preliminary hearing. I understand that, by waiving my right to a preliminary hearing, I am precluded from raising the sufficiency of the

Commonwealth's *prima facie* case. I voluntarily waive this hearing and agree for this matter to be bound over to court.

Dated: _____

Defendant

I represent that I am counsel of record in this matter and I concur in this waiver. I further represent that I will advise the defendant of the date of all future court proceedings before the Adams County Court of Common Pleas.

Dated: _____

Attorney

This waiver of preliminary hearing is accepted.

Dated: _____

Magisterial District Judge

Rule 542 Notice of Arraignment

- A. In all cases where defendants are held for court, the Magisterial District Judge shall provide the defendant and counsel of record notice of the dates of formal arraignment, non-trial disposition conference, DUI date or plea date, and criminal trial term including jury selection. Notice shall be given at the conclusion of the preliminary hearing. The notice (hereinafter "Written Notice") shall be in the form set forth in Rule 542.1 and shall be signed by the defendant and counsel, if any. The defendant and defense counsel of record shall be given a copy of the Written Notice at the time of acknowledgement. In the event the preliminary hearing is waived, the Written Notice may be given solely to counsel who thereafter shall have the Written Notice executed by their client and filed with the Clerk of Court's Office prior to formal arraignment. Counsel shall also provide a copy of the Written Notice to their client. No further notice of the scheduled court dates shall be required.
- B. The court dates for further appearance of the defendant will be set in accordance with Local Rule 542.2.
- C. The issuing authority shall transmit the original Written Notice of court dates, along with the transcript, to the Clerk of Court's Office within five (5) days of the defendant being held for court.

Rule 542.1 Form of Written Notice

The written notice shall substantially be in the following form:

IN THE COURT OF COMMON PLEAS OF ADAMS COUNTY, PENNSYLVANIA

CRIMINAL

COMMONWEALTH OF PENNSYLVANIA

MJ-513____-

VS.

CR-

CHARGES:

NOTICE OF COURT DATES

1. You must appear for formal arraignment at a time to be determined by separate notice on _____, 20__ in a Courtroom to be designated, fourth floor, Adams County Courthouse, 111-117 Baltimore Street, Gettysburg, Pennsylvania, unless you are represented by counsel and your attorney has filed a written waiver of arraignment with the Adams County Clerk of Court's Office prior to the above specified date and time. If you do not appear or do not file a written waiver of arraignment as directed, a bench warrant will be issued for your arrest and bail will be forfeited.
2. You must appear for a non-trial disposition conference in the Adams County District Attorney's Office, Room 301, Adams County Courthouse, on _____, 20__ at 10:00 a.m. Your failure to appear on said date and time will result in your bail being revoked and a bench warrant being issued for your arrest. If you are represented by counsel, your appearance may be waived upon consent of the Commonwealth.
3. You must appear at a time to be determined by separate notice on _____, 20__ in a Courtroom to be designated, fourth floor, Adams County Courthouse, for purpose of entering a plea or requesting a continuance in the above-captioned case. If you fail to appear on said date, your bail will be revoked and a warrant will be issued for arrest.
4. You are scheduled for trial during the trial term beginning _____, 20__ at 8:30 a.m. in Courtroom No. 2, fourth floor, Adams County Courthouse. Jury selection will take place on the first day of the trial term and trials will be held throughout the length of the trial term. Your failure to appear will result in forfeiture of your bail and issuance of a warrant for your arrest. If you fail to appear without cause for jury selection or trial, your absence may be deemed waiver of your right to be present and the proceeding, including trial, may be conducted in your absence. If trial occurs in your absence, you may be found guilty of all charges against you and subject to all penalties provided by law including imprisonment.

**FOR YOUR ASSISTANCE, IF YOU DO NOT HAVE AN ATTORNEY OR
CANNOT AFFORD ONE, YOU MAY BE ELIGIBLE FOR COUNSEL
UPON COMPLETION OF AN APPLICATION FOR COURT APPOINTED
COUNSEL AVAILABLE AT THE ADAMS COUNTY PUBLIC
DEFENDER'S OFFICE AT 717-337-9842.**

I, the undersigned defendant, acknowledge that I have received a copy of the above Notice of Court Dates and understand that should I fail to appear on the dates set forth hereinabove, a bench warrant may be issued for my arrest. I further understand that a trial may be held in my absence if I fail to appear on the trial dates set forth hereinabove.

_____	_____	_____
Date	Defendant's signature	Defense Attorney's signature

Rule 542.2 Scheduling of Court Dates

- A. The date on which a defendant shall be directed to appear for formal arraignment, non-trial disposition conference, DUI date or plea date, and trial will be as follows:
1. Arraignment shall be scheduled on the arraignment date as established bi-annually by schedule adopted by the Court.
 2. Non-trial disposition conference shall be scheduled as established bi-annually by schedule adopted by the Court.
 3. Plea dates shall be held on DUI dates and plea dates as established by the Court Calendar, as supplemented by the Court Administrator's Office pursuant to paragraph B hereinbelow.
 4. Jury selection and trial shall be scheduled on the first day of the criminal trial term, as established by the Court Calendar, which follows the DUI date/plea date established above.
- B. The Court Administrator's Office shall biannually prepare a schedule from the Court Calendar, which shall list the dates of arraignment, non-trial disposition conference, DUI date or plea date, and jury selection/trial term applicable for cases held for court on or before each Central Court date. On or before January 1st and July 1st of each year, the Court Administrator's Office shall post the schedule for Central Court dates occurring within the following six (6) months and provide copies to the Court, the Clerk of Court's Office, each Magisterial District Judge, the District Attorney, and the Public Defender. The Magisterial District Judge shall enter the dates of court appearances and the notice required by this rule in accordance with the schedule established by the Court Administrator's Office.
- C. If a defendant is held for court following a preliminary hearing on a date other than a Central Court date, they shall be scheduled for additional proceedings according to the schedule which would apply to the Central Court date immediately following the preliminary hearing.
- D. In order to comply with Pennsylvania Rule of Criminal Procedure 600, the Commonwealth may change the dates of plea and trial by providing the Court and counsel with written notice of the same at the time of formal arraignment.

Rule 570.1 Non-Trial Disposition Conference

- A. Within 60 days of formal arraignment, the Commonwealth and defense attorney or *pro se* defendant shall meet for a non-trial disposition conference to discuss:
 - 1. informal discovery;
 - 2. applicable sentencing guideline ranges and other sentencing factors;
and
 - 3. the terms, if any, of proposed plea offers and agreements.
- B. The date of non-trial disposition conference shall be set annually by the Court Calendar with notice of the same provided to the parties at the time of preliminary hearing.
- C. Attendance at the non-trial disposition conference is mandatory and appearing at the same shall be a standard condition of all bail.
- D. Upon petition of the Commonwealth, and after hearing, the Court may revoke the defendant's bail for failure to appear at the non-trial disposition conference.
- E. The non-trial disposition conference is a non-record proceeding.

Rule 571 Waiver of Arraignment

A defendant who is represented by counsel of record may waive appearance at formal arraignment by presenting to the Court prior to or at the time of formal arraignment a waiver in substantially the form set forth in Rule 571.1. The waiver shall be executed by both the defendant and counsel. If a defendant represented by counsel waives arraignment, the Commonwealth shall serve counsel of record with a copy of the criminal information within ten (10) days of the date the waiver is presented to the Court. The Commonwealth shall further provide counsel of record notice of the dates of defendant's plea day appearance and jury selection/trial within ten (10) days of the date the waiver is presented to the Court. Counsel waiving formal arraignment on behalf of a defendant shall be prepared to indicate on the record at the time of the plea day appearance and/or jury selection that the defendant was provided written notice as to the respective date and requirement that he/she must appear for plea and/or trial.

Rule 571.1 Form of Waiver

The notice shall substantially be in the following form:

IN THE COURT OF COMMON PLEAS OF ADAMS COUNTY, PENNSYLVANIA

CRIMINAL

COMMONWEALTH OF PENNSYLVANIA

CP-01-CR-

VS.

WAIVER OF APPEARANCE AT FORMAL ARRAIGNMENT

I verify that the foregoing is true and correct to the best of my knowledge:

1. I understand that I have the right to be represented by counsel. I am represented by counsel of record and wish to waive my appearance at formal arraignment.
2. My attorney concurs in this waiver.
3. I understand the nature of all charges against me.
4. I am aware of my right to file motions, including a request for a bill of particulars, a motion for pre-trial discovery and inspection, a motion requesting transfer from criminal proceedings to juvenile proceedings pursuant to 42 Pa. C.S. § 6322, and an omnibus pre-trial motion. I am also aware of the time limits within which these motions must be filed.
5. I understand that I am required to report for future court proceedings including my plea date and date for trial on the date and time provided to my attorney. In that regard, I will consult with my attorney concerning the dates and times which I must appear. I am

further aware that my presence at these events is required and if I fail to appear, it may be deemed a waiver of my right to be present and the proceedings may be conducted in my absence. Additionally, I understand a bench warrant will be issued for my arrest.

I verify that the facts contained in the above pleading are true and correct to the best of my knowledge, information, and belief. I understand that the facts herein are verified subject to penalties for unsworn falsification to authorities under Section 4904 of the Crimes Code (18 Pa. C.S. § 4904).

Dated: _____

Defendant

I represent that I am counsel of record in this matter and I concur in this waiver. I further represent that I will advise the defendant of the date of plea day and trial before the Adams County Court of Common Pleas.

Dated: _____

Attorney

Rule 576.1. Electronic Filing and Service of Legal Papers.

- A. Pursuant to Pa.R.Crim.P. 576.1, the Administrative Office of Pennsylvania Courts and the 51st Judicial District have agreed upon an implementation plan for electronic filing of criminal legal papers through the statewide system known as PACFile, effective March 9, 2020.
- B. All parties identified as electronic filing participants by Pa.R.Crim.P. 576.1(D) are authorized to electronically file legal papers through PACFile with the clerk of courts in

cases in the Adams County Court of Common Pleas, 51st Judicial District.

- C. Any party identified as electronic filing participants by Pa.R.Crim.P. 576.1(D) may utilize PACFile for any document except the following:
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, and
 5. submissions filed or authorized to be filed under seal.
 6. exhibits offered into evidence, whether or not admitted, in a court proceeding.
- D. Any party who is ineligible, declines, or not otherwise required to participate in PACFile may file legal papers in a physical paper format with the clerk of courts, and shall be served legal papers in a physical paper format by the clerk of courts and other parties to the case. However, pursuant to Pa.R.Crim.P. 576.1(D)(2), establishment of a PACFile account shall constitute consent to participate in electronic filing, including acceptance of service electronically of any document filed in PACFile.
- E. Parties utilizing PACFile shall serve physical paper format copies on all parties to the case who do not utilize PACFile, pursuant to Pa.R.Crim.P. 576. When utilizing PACFile, parties shall not be required to serve the court administrator.
- F. In the event an attorney enters an appearance for a defendant who was previously unrepresented and said defendant established a PACFile account while unrepresented, said defendant shall no longer be permitted to utilize PACFile while represented by counsel, as defined under Pa.R.Crim.P. 576.1(D).
- G. On March 9, 2022, all attorneys shall be required to file criminal legal papers electronically through PACFile in the 51st Judicial District, subject to the provisions in this Rule.

Rule 590. Pleas and Plea Agreements.

1. The Court will be available for the purpose of taking guilty or nolo contendere pleas from time to time as designated by the Court Administrator on a day(s) which shall be designated as "Plea Day" on the Court Calendar. The day(s) selected shall be at least ten (10) days before the respective trial term.
2. At the conclusion of each Plea Day, all cases which have not been resolved shall be

called by the Commonwealth in open court in a courtroom to be designated. Once the list of remaining cases is called, the Court will not accept any plea for a case on that criminal list unless said plea is to all charges and without agreement as to sentencing. The Court may waive this prohibition against late plea agreements for good cause as the interests of justice require. In the event the Court does find good cause and agrees to take the negotiated plea, such plea may be taken at that time or the case may be continued by the Court for the plea to be taken at another date as the Court may direct.

3. Requests for continuances should normally be made on Plea Day. If, after the conclusion of Plea Day, either party becomes aware of circumstances justifying a continuance, a request should be filed with the Court and all parties in writing prior to close of business on the Wednesday preceding criminal trial week. The motion shall set forth whether the other parties concur with or oppose the relief requested.

4(a). All defendants and all attorneys representing defendants on a respective plea day must attend the call of the criminal list unless:

- i. the case has previously been resolved through plea or other disposition; or
- ii. a date certain has been scheduled for the entry of a plea; or
- iii. a motion for a continuance has been previously presented and granted; or
- iv. the defendant and/or counsel and the District Attorney's Office have agreed that the defendant and/or counsel may be excused from the call of the list.

(b) Failure to comply with the requirements of paragraph 4(a) may result in the imposition of sanctions by the Court including the issuance of a bench warrant and revocation of bail bond.

5. The Court shall state in open court at the commencement of Plea Day and again in open court after concluding the calling of the criminal trial list that, pursuant to Local Rule 590, Plea Day is the last day during which the Court will accept negotiated pleas of guilty or nolo contendere and, thereafter, a party will be required to go to trial during the following trial term or plead guilty as charged.
6. By the close of business on the Thursday preceding the criminal trial term, the District Attorney's Office shall provide a copy of the trial schedule to the Court Administrator and the Clerk of Courts Office. The Clerk shall, thereafter, post the schedule. If the trial list is longer than the number of court days available, the Commonwealth shall prioritize the list taking into account Pennsylvania Rule of Criminal Procedure 600. Any cases which have not been set for a specific trial date shall remain on a standby list and may proceed to trial in the event a trial date becomes available. At the conclusion of jury selection for all cases scheduled during a trial term, any remaining cases which cannot be heard due to unavailability of trial days shall be continued by the Court to the following trial term for disposition. Such cases, if not resolved prior thereto, shall receive priority

in scheduling during the following trial term. The Court, at all times, reserves the right to set the trial schedule.

7. If a defendant is represented by counsel and desires to tender a guilty or nolo contendere plea, a Guilty/Nolo Contendere Plea Colloquy substantially in the form set forth in Rule 590.1 shall be completed. The Colloquy shall be executed by the defendant and his counsel and filed with the Clerk of Courts prior to entry of the plea.
8. When the parties have arrived at a plea agreement, they shall state on the record in open Court and in the presence of the Defendant, the terms of the agreement. The agreement will be confirmed in writing substantially in the form set forth in Rule 590.2 and presented to the Court prior to the entry of any plea. At a minimum, the written agreement must contain ALL terms of the agreement and must be executed by the Commonwealth, the Defendant and Defendant's counsel, if any. Nothing in this Rule will prevent the Judge from ordering for good cause shown and with the consent of all parties and counsel, that specific conditions in the agreement be placed on the record in camera and the record sealed.

Comment: Orderly scheduling of jury trials and regard for the convenience of jurors shall be important factors in determining the interests of justice under Pa. R. Crim. P. 106. In order that a trial schedule may be prepared and announced in accordance with this Rule, requests for continuance ordinarily should be made no later than immediately after the trial list is announced for that particular term. In those instances where witness unavailability or other unforeseeable need arises requiring a continuance subsequent to the call of the trial list, a request for continuance should be made prior to the close of business on the Wednesday preceding the criminal trial term.

Although motions for continuance will obviously be governed by the state rule, the local rule is intended to express Court policy that a definite trial schedule published in advance of trial will reduce inconvenience to the Court, the parties, witnesses and jurors. Timeliness measured from promulgation of the trial list is an important consideration in the decision to grant or deny a continuance request. It is expected that all counsel will act with reasonable diligence and promptness in determining whether a case is ready for trial and that counsel shall be in a position to make that determination, at the latest, on the Wednesday prior to trial.

It is noted that the Court calendar will generally schedule at least two (2) plea days prior to each criminal trial term. The intent of this rule is that each plea day shall be a separate and distinct day concerning applicability of the time limits of this rule and continuances from one plea day to another to avoid the intent of this rule will generally not be granted by the Court except as the interests of justice otherwise require.

Rule 590.1. Form of Plea Colloquy.

Written Plea Colloquies required by Rule 590 shall substantially be in the following form:

GUILTY PLEA COLLOQUY INSTRUCTIONS

TO DEFENDANT:

If you choose to plead guilty or nolo contendere, this Guilty Plea Colloquy should be completed by you. By pleading guilty, you are agreeing and admitting that you committed each of the elements of the crimes. By pleading nolo contendere, you are stating that you do not contest the fact that the Commonwealth can prove you committed the crimes. In criminal law, a plea of nolo contendere has the same effect for sentencing purposes as pleading guilty and, therefore, everything contained in this Guilty Plea Colloquy also applies to a plea of nolo contendere. You should read this document carefully and review it with your lawyer. It is **IMPORTANT** that you understand, agree with and answer truthfully everything contained in this Guilty Plea Colloquy. If you understand and agree with what is said in a paragraph of this document, place your initials on the line provided. If you do not understand or agree with what is said in a paragraph, **DO NOT** place your initials on the line provided, and you should tell the judge what you do not agree with or understand.

TO THE DEFENDANT'S LAWYER:

You must explain the content and meaning of this Guilty Plea Colloquy Statement to the defendant. If, after your explanation, the defendant does not understand or agree with something, he/she should not initial that paragraph and you must inform the judge of this fact. If the defendant does not speak, understand, read or write the English language or suffers from some physical, emotional or mental problem or is under the influence of any substance which affects his/her ability to understand the content of this Guilty Plea Colloquy Statement, the defendant should not complete the Guilty Plea Colloquy Statement and the judge should be advised of this fact.

By placing my initials at the place provided, I am stating that I have read, understood and followed these instructions.

Defendant's Initials

Defense Attorney's Initials

IN THE COURT OF COMMON PLEAS OF ADAMS COUNTY, PENNSYLVANIA

CRIMINAL

COMMONWEALTH OF PENNSYLVANIA

CC-

V.

GUILTY/NOLO CONTENDERE PLEA COLLOQUY

Maximum Penalties

1. I understand the charges against me and the maximum penalties for those charges are:

				MANDATORY	
				MAXIMUM	MINIMUM
CC	NUMBER	COUNT	OFFENSE GRADATION	PENALTY	PENALTY
CC-		()		yrs.\$	yrs.\$
CC-		()		yrs.\$	yrs.\$
CC-		()		yrs.\$	yrs.\$
CC-		()		yrs.\$	yrs.\$
CC-		()		yrs.\$	yrs.\$
CC-		()		yrs.\$	yrs.\$
CC-		()		yrs.\$	yrs.\$
CC-		()		yrs.\$	yrs.\$
CC-		()		yrs.\$	yrs.\$
CC-		()		yrs.\$	yrs.\$
CC-		()		yrs.\$	yrs.\$
CC-		()		yrs.\$	yrs.\$
CC-		()		yrs.\$	yrs.\$
CC-		()		yrs.\$	yrs.\$
CC-		()		yrs.\$	yrs.\$
CC-		()		yrs.\$	yrs.\$
CC-		()		yrs.\$	yrs.\$
CC-		()		yrs.\$	yrs.\$
CC-		()		yrs.\$	yrs.\$

Please mark if a guilty/nolo contendere plea colloquy supplemental charge sheet is attached.

2. I understand, and my lawyer has explained to me, that the total maximum sentence which I could receive for all of these crimes is _____ in jail and a \$_____ fine.

Right to Trial

3. I understand, and my lawyer has explained to me, that if I plead not guilty, I have a right to have a trial by jury or I may ask that my trial be before a judge without a jury. I understand, and my lawyer has explained to me, that if:
- a. I am tried before a jury that the jury would consist of twelve (12) people who live in Adams County; that I have a right to take part in selecting the jurors who would hear my case; that the jurors would decide my guilt or innocence based upon the evidence presented to them; that I can exercise challenges to prevent any person from being a juror in my case if I can show that they would not be a fair juror; that the Commonwealth may not remove a juror just because of their gender, race or nationality; that I can prevent a limited number of people from being jurors in my case without giving any reason at all; and that I cannot be found guilty of the crimes charged unless all twelve (12) jurors agree that the Commonwealth has proven that I have committed each element of these crimes beyond a reasonable doubt; or
 - b. if I am tried before a judge alone without a jury that the judge would hear the facts and make a determination as to my guilt or innocence. I understand that before I could be found guilty, the judge must be convinced of my guilt beyond a reasonable doubt as to each and every element of the crimes charged.
4. I understand, and my lawyer has explained to me, that if I plead not guilty and have either a jury or a non-jury trial that:
- I am presumed innocent of these crimes and that the Commonwealth has the burden of proving that I committed each of the elements of the crimes charged beyond a reasonable doubt. If the Commonwealth fails to do so, I cannot be found guilty of these crimes. A reasonable doubt is a doubt that would cause a reasonably careful and sensible person to hesitate before they act upon something that is important in their lives or affairs.
 - that the Commonwealth must present witnesses who must testify under oath and that I or my lawyer can cross-examine or ask questions of each of these witnesses.
 - that I do not have to testify or present any evidence and no one can force me to do so. If I choose not to testify or present any evidence, that cannot be used or held against me. However, if I want to testify and present evidence and witnesses, I may do so.
 - I have the right to call witnesses and present evidence including, but not limited to, evidence that I didn't commit the crime charged; that I have an alibi; that there is a mistaken identity; that an insanity defense exists; that my acts were justified or there is other lawful excuse for my acts.

Motions Before Trial

5. I understand, and my lawyer has explained to me, that before I enter a plea of guilty, or before my trial begins:

--I can file motions to ensure that I get a fair trial. These motions may include, but are not limited to, a motion to prevent the Commonwealth from presenting improperly obtained evidence at my trial including any statements that I may have made, test results, identifications and items taken from me or from some place or thing. If I file such a motion, the Commonwealth has the burden of proving that this evidence can be presented at my trial.

--I can file a motion to have the crimes charged dismissed if my trial was not started within three hundred sixty-five (365) days after the date that the criminal complaint was filed against me, not counting any delays caused by me or my lawyer and, if the judge grants my motion, the Commonwealth cannot charge me with those crimes again.

6. I understand, and my lawyer has explained to me, that by pleading guilty, I am giving up my right to file any of these pre-trial motions. If I did file any motions that have not yet been decided, by pleading guilty or nolo contendere, I am now giving up the right to have the Court rule on them. If the Court granted any motions filed by the Commonwealth or denied any motions filed by me, by pleading guilty or nolo contendere, I am giving up or losing my right to appeal the judge's decision to a higher court and I can never again raise any of the issues stated in these motions before any court.

Effect of Plea

7. I understand, and my lawyer has explained to me, that if I plead guilty or nolo contendere to any of these charges:

--If I am pleading guilty, I understand that I am agreeing and admitting that I committed each element of these crimes. If I am pleading nolo contendere, I am not contesting that I committed each element of these crimes and I agree that the Commonwealth can prove that I committed each element of these crimes beyond a reasonable doubt. My pleas of guilty or nolo contendere will have the same effect as if I had a trial and was convicted of the crimes to which I have pled guilty or nolo contendere.

--If I was on probation, intermediate punishment, or parole at the time the crimes to which I am pleading guilty or nolo contendere were committed, my pleas in this case mean that I have violated probation/intermediate punishment/parole. I understand that if I have violated my probation or intermediate punishment that I can be resentenced to jail and if I violate my parole, I may be re-committed to jail to serve the remainder of my sentence(s) without credit for time on parole. I further understand any sentences that I am required to serve as a result of a probation, intermediate punishment or parole violation may be in addition to any sentence which I may receive as a result of this plea.

8. I understand, and my lawyer has explained to me, that the judge is not bound to accept the terms of any plea agreement that I have with the Commonwealth or with anyone else and that the plea agreement is not binding on the Court unless and until it is accepted by

the Court. If the judge decides not to accept the plea agreement, I understand that I will be allowed to withdraw or take back my plea of guilty or nolo contendere. I further understand that at any time prior to my sentencing, I may ask the Court for permission to withdraw my plea of guilty or nolo contendere but I must show a fair and just reason for doing so.

Representation by Counsel

9. I have fully discussed this case with my lawyer including the facts and possible defenses I may have to these charges including, but not limited to: that I didn't commit the crimes charged; that I have been misidentified; that I have an alibi (I was someplace else when the crime was committed); that I was justified in committing the act (self-defense, defense of property or others) or that I had a mental disease or defect which made me incapable of knowing what I was doing or, if I did know, I was not capable of judging that the act was wrong (insanity).
10. I understand, and my lawyer has explained to me, all the possible defenses I may have to these charges. I am satisfied that my lawyer knows all the facts and law concerning this case. I am fully satisfied with what my lawyer has done for me and what my lawyer is doing for me today concerning this case. I am fully satisfied that my lawyer has not failed to do anything which I have asked him to do nor has done anything of which I didn't approve. I agree that my lawyer has contacted, or attempted to contact, every witness or source of evidence of which I have advised him and that if contact was unsuccessful, I am satisfied that my lawyer has exhausted all possible leads to locate the witness or evidence.
11. I am fully satisfied that my lawyer is ready and able to defend me in this case if I do not plead guilty or nolo contendere to these charges.
12. I have not been pressured, forced or threatened to enter into this plea by my lawyer and that my lawyer has left the final decision on whether or not to enter this plea to me.

Knowing and Voluntary Plea

13. I have gone to school for years. I can read, write, speak and understand the English language.
14. I UNDERSTAND, AND MY LAWYER HAS FULLY EXPLAINED TO ME, ALL THE FACTS AND RIGHTS WHICH I HAVE WHICH ARE CONTAINED IN THIS GUILTY PLEA COLLOQUY AND THAT BY PLEADING GUILTY OR NOLO CONTENDERE, I AM GIVING UP OR LOSING ALL OF THESE RIGHTS.
15. I do not have any physical, emotional or mental problems which affect my ability to understand what I am doing today or the rights which have been explained to me today

and I am not now under the influence of any narcotics, drugs, alcohol or any other substance.

16. I have not been pressured, forced or threatened by anyone to plead guilty or nolo contendere to these charges and I have not been promised anything by anyone in return for pleading guilty or nolo contendere other than the plea agreement, if any, which has been presented to the judge in writing as part of this proceeding.

17. I have had enough time to fully discuss my case and my decision to plead guilty or nolo contendere and everything contained in this guilty/nolo contendere plea colloquy with my lawyer and, by placing my initials on all the lines provided, I am saying that I understand, agree with, and answer truthfully everything contained in this guilty plea statement.

Date

Defendant (Signature)

Defendant's Name (Printed)

Defendant's Street Address

City, State, Zip Code

Defendant's Age

Defendant's D.O.B.

Statement of Defendant's Attorney

I, _____, Esquire, Attorney for the Defendant affirm that I have fully advised the defendant of the content and meaning of this guilty plea colloquy and the defendant has indicated that he/she understands the content and the meaning of the same, I have fully discussed the defendant's decision to plead guilty or no lo contendere with him/her, I have explained to the defendant the elements of any possible penalties for the crimes to which he/she is pleading guilty or nolo contendere and I am satisfied that the defendant's pleas of guilty or nolo contendere are knowingly, voluntarily and intelligently entered.

Date

Defense Attorney's Signature

Rule 590.2. Form of Plea Agreements.

Written plea agreements required by Rule 590 shall substantially be in the following form:

**IN THE COURT OF COMMON PLEAS OF ADAMS COUNTY, PENNSYLVANIA
CRIMINAL**

COMMONWEALTH OF PENNSYLVANIA**CC-****V.**

The following represents all of the terms of my Plea Agreement with the Commonwealth which I accept.

(a) My prior record score is .

(b) The Defendant agrees to plead to the following charges in exchange for the following sentences:

Offense			
CC Number	(Count)	Plea	Gravity Score Sentence
			Concurrent with:
CC - -20	()		Consecutive to:
			Concurrent with:
CC - -20	()		Consecutive to:
			Concurrent with:
CC - -20	()		Consecutive to:
			Concurrent with:
CC - -20	()		Consecutive to:
			Concurrent with:
CC - -20	()		Consecutive to:

(c) The Defendant agrees that:

_____ fines, if any, will be set by the Court up to maximum allowable by law;

_____ the mandatory fine of _____ will be imposed;

_____ he/she shall pay a fine in the amount of _____.

(d) The Defendant agrees to pay costs and all fees required by law, local rule of Court or administrating Order of Court.

(e) The Defendant agrees to pay restitution on all charges to which pleas of guilty and/or

nolo contendere are entered and on nol prossed charges as follows:

(f) The Defendant agrees that the standard rules and conditions of probation/IPP/parole will be imposed. The following special conditions shall apply. Additionally, this plea does not limit the Court's ability to impose other special conditions at the time of sentencing.

(g) The Defendant agrees to the following additional terms of this plea agreement

(h) The Defendant agrees that sentencing shall occur on: _____ at the time the plea is entered and accepted by the Court.

(i) The Defendant agrees that this agreement does not limit the Court's authority in the event the Defendant violates the terms of this sentence and is subject to re-sentencing or revocation. In such an event, the Defendant agrees that the court will have full authority to re-sentence the Defendant to the maximum provided by law including running the sentences consecutive to each other (one following the other).

(j) The Defendant understands that there may be consequences of this plea which are imposed by law but not set forth in this agreement such as the suspension of motor vehicle operating privileges, limitations on the Defendant's ability to own or possess firearms or other collateral consequences. This agreement does not limit other ramifications which may be imposed by law. If the Defendant has any questions about such ramifications, he/she agrees that they will raise any questions with the Court at the time of their plea. If the Defendant does not raise any questions with the Court, he/she acknowledges they understand the consequences of their plea. I affirm that I have read the above document in its entirety and that it represents my entire agreement with the Commonwealth and I understand its full meaning and I wish to enter a plea as set forth in this document to the offense or offenses specified.

Date

Defendant

I, _____, Esquire, attorney for the above-named Defendant, state that I have advised my client of the contents and meaning of this document and that this document represents my client's entire agreement with the Commonwealth.

Attorney for Defendant

On behalf of the Commonwealth, I acknowledge that this agreement represents the entire agreement between the Commonwealth and the Defendant.

District Attorney or Assistant District Attorney

Rule 625. Juror Qualification Form

- A. Court Administration shall devise a juror qualification form limited to questions sufficient to determine a person's qualification to serve as a juror as required by 42

Pa.C.S.A. §4521(d)(1). The juror qualification form shall be in a format that substantially allows for responses to the following questions:

1. Are you a resident of Adams County?
 2. Are you a citizen of the Commonwealth of Pennsylvania?
 3. Can you read, write and understand the English language?
 4. Have you been convicted of a crime punishable by imprisonment for more than one year and not granted a pardon or amnesty?
 5. Are you incapable, by reason of mental or physical infirmity, to render efficient jury service?
 6. Are you 18 years of age or older?
- B. The juror qualification form shall include a signature line for which the person completing the form declares under penalty of perjury that the responses to the questions on the form are true to the best of the person's knowledge.
- C. The questions outlined in this Rule and the responses contained therein from prospective jurors shall constitute in whole a completed juror qualification form, and only this form shall be made available to the attorney for the Commonwealth or the defendant's attorney for review or copying, upon request, as permitted by Pa.R.Crim.P. 625(A)(1)(d).

Rule 700.1. Sentencing by any Judge.

In addition to the judge who received the defendant's plea of guilty or of nolo contendere, any judge may sentence that defendant if the defendant was notified of that possibility at the time the plea was entered.

Rules 702--703. Reserved.

Rule 704.

At the time of sentencing, the Defendant shall provide the Court with an executed Statement of Post-sentence Rights substantially in the form set forth in Rule 704.1. The Court shall make the Statement of Post-sentence Rights part of the record and shall determine on the record that the Defendant has been advised of his post-sentence rights.

Rule 704.1. Statement of Post Sentence Rights

Rule 704.1 Statement of Post-sentence Rights required by Rule 704 shall substantially be in the following form:

IN THE COURT OF COMMON PLEAS OF ADAMS COUNTY, PENNSYLVANIA
CRIMINAL

V.

STATEMENT OF POST-SENTENCE RIGHTS

1. I am able to speak, read, write and understand the English language and I am not now under the influence of any drugs, alcohol or other substance which would affect my ability to understand the post-sentence rights contained in this document. By placing my initials on the line provided next to each of the paragraphs in this document, I agree that I have read, understood and, if represented, my lawyer has explained to my satisfaction the content and meaning of each paragraph.
2. I have the right to file post-sentence motions with this Court. If I choose to file such a motion, it must be in writing and must specify the issues which I intend to raise. Such a motion must be filed with the Adams County Clerk of Courts Office within ten (10) days of the date of my sentence. A post-sentence motion may include: a motion challenging the jurisdiction of the Court; a motion challenging the legality of the sentence; a motion asking that the Court modify the sentence imposed; a motion asking that I be permitted to withdraw my plea because it was not voluntarily, knowingly and intelligently entered; or a motion challenging the denial of any motion which I may have had to withdraw my plea(s).
3. If I file a post-sentence motion, this Court must decide it within one hundred twenty (120) days of the date that it is filed, unless this Court extends the deadline for up to thirty (30) additional days at my request for good cause. If this Court does not decide my post-sentence motion within this time period, it will automatically be considered denied by operation of law.
4. If I file a post-sentence motion, after it is decided, either by Court opinion or by operation of law, I have a right to appeal that decision to the Pennsylvania Superior Court. This appeal may include issues raised in my post-sentence motion and/or other properly preserved issues. If I decide to appeal, a written Notice of Appeal must be filed with the Adams County Clerk of Courts Office within thirty (30) days of the date of denial of my post-sentence motions. If I fail to file a Notice of Appeal with the Pennsylvania Superior Court, I will forever give up or lose my right to appeal to a higher Court on any issues involving my case, my plea or sentencing.
5. I also understand that I have the right to appeal directly to the Pennsylvania Superior Court. If I choose to appeal directly to the Pennsylvania Superior Court, I may raise all properly preserved issues which may include those raised in the motion set forth in

paragraph 2 above. In order to appeal directly to the Pennsylvania Superior Court, I must file a written Notice of Appeal with the Adams County Clerk of Courts Office within thirty (30) days of the date I am sentenced. If I fail to file a Notice of Appeal within the time required, I will forever give up or lose my right to appeal to a higher Court on any of the issues involving my case, my plea or sentencing.

6. If I decide to file a post-sentence motion and/or a direct appeal to the Pennsylvania Superior Court, I have the right to be represented by an attorney. If I cannot afford an attorney, upon my timely request to this Court, one will be provided to me free of charge at no cost or expense to me. I also understand that I have the right to proceed in forma pauperis. I understand that means that I will not be required to pay any costs normally associated with a post-sentence motion and/or an appeal if I am unable to afford those costs.
7. I understand I have a qualified right to bail pending the decision on my post-sentence motion(s) and/or appeal to the Pennsylvania Superior Court. Any such bail is conditioned upon my filing a post-sentence motion and/or an appeal to a higher Court.

Date

Signature of Defendant

STATEMENT OF DEFENDANT'S ATTORNEY

I represent the defendant in the above-captioned case. I have explained the post-sentence rights contained in this document to the defendant and I am satisfied that the Defendant understands these rights.

Date

Signature of Attorney

Rule 705. Rehabilitative Programs.

The Chief Probation Officer and Chief Juvenile Probation Officer shall submit a list of rehabilitative, treatment or therapy programs their respective offices propose to use as part of IPP, probation or parole to the President Judge, who may, after consulting with other judges of this court, approve the list either in whole or in part. Additions or deletions from the list may be proposed from time to time. Lists or amendments to the lists shall be filed with the Clerk, along with the administrative order of approval. Approval of a specific agency, such as Adams Hanover Counseling Service, shall serve to approve all therapists, counselors, psychologists and psychiatrist associated and in good standing with that agency.

Rule 705.1. Conditions of Probation, Intermediate Punishment and Parole.

A. General:

Conditions of probation and/or parole may be established or changed by either local rule,

specific order relating to a particular case or by administrative order. In addition to other filing requirements, all orders or rules shall be filed in the Clerk's office, and with each District Justice. Conditions identified as standard, by an asterisk, shall apply to all probation, parole or intermediate punishment supervision, unless specifically waived by court order. Special conditions, that is those without an identifying asterisk, shall apply only if checked. Special conditions may be ordered either at the time of sentence, or by order of modification thereafter. Any interested person, including probation officers, the District Attorney, or the defendant may request a modification of conditions at any time. The court may modify conditions after notice to interested parties, and an opportunity to be heard, but requests for modification may be denied without a hearing or prior notice. Interested parties may waive their right to hearing at the time a request is submitted.

B. Programs:

Probation officers may require defendants to participate in approved programs, or to engage in therapy or counseling with approved counselors and other personnel, in accordance with Local rule 705. Programs and counselors may also be specially approved by order for specific cases.

C. Sexual Offenders:

A judge, either when imposing sentence or upon later request, may direct that the defendant be classified as a sexual offender (SO) and be subject to special conditions identified as SO conditions. Conviction of any of the following crimes shall indicate a need for such classification:

(All references are to the Crimes Code, 18 Pa.C.S.A)

§ 2709(b), Stalking;

§ 2910, Luring a Child into a Motor vehicle;

§ 3121, Rape;

§ 3122.1, Statutory Sexual Assault;

§ 3123.1, Involuntary Deviate Sexual Intercourse;

§ 3124.1, Sexual Assault;

§ 3124.2, Institutional Sexual Assault;

§ 3125, Aggravated Indecent Assault;

§ 3126, Indecent Assault;

§ 3127, Indecent Exposure,

§ 5506, Loitering and Prowling at Night;

§ 5901, Open Lewdness;

§ 6301, Corruption of Minors (if defendant's conduct was sexual in nature);

§ 6312, Sexual Abuse of Children.

Unless the order provides otherwise, the classification shall be effective for a period of six months, during which time the Probation Office shall evaluate the defendant. The office shall recommend to the sentencing judge, or such other judge designated by the President Judge, that defendant's classification and supervision as a sexual offender be either continued or terminated. The period may be extended additional 6 month- periods at the request of the office. Notwithstanding the above list of crimes, a judge may classify a defendant convicted of other crimes as a sexual offender, if the judge determines that the defendant will be benefited or the community be protected by SO conditions, or if the crime involved sexual overtones.

D. Conditions:

Until changed by rule or administrative order, conditions of probation, parole and intermediate punishment are established in accordance with the following forms:

STANDARD RULES OF SUPERVISION FOR PROBATION, INTERMEDIATE PUNISHMENT AND PAROLE

The Adams County Court of Common Pleas has conditionally released/ placed you under the supervision of the Adams County Department of Probation Services. You must comply with all supervision rules and conditions set forth. If you violate any of these rules of supervision the Department of Probation Services has the authority to arrest or detain you and return your case to court for revocation proceedings.

1. You must not commit any violation of the law.
2. You must refrain from any assaultive behavior which threatens or presents a danger to yourself or others. You will not annoy or harass any victim or witness of your crime.
3. You must report as directed, by any Probation Officer, and comply with all written or verbal instructions including all Community Re-entry Rules and Guidelines if a re-entry, work release, or house arrest participant.
4. You must agree to permit any Probation/Parole Officer, to search your person, enter into and search your residence, vehicle or any other property under your control without warrant at any time upon reasonable suspicion of violation and to ensure compliance with all conditions of your sentence.
5. You may not have any prohibited offensive weapons or firearms on your person, in your residence or in your vehicle while on active Probation/ Parole/ IPP supervision, unless otherwise waived by the court.
6. You must obtain permission to change your residence and shall notify Probation within 24 hours of that change. You will not be permitted to reside with persons on active probation or parole supervision, unless approved by your Probation Officer.
7. You must report all police or law enforcement contact to your Probation Officer within the next business day.
8. Unless classified as physically or mentally disabled, you must find and maintain employment and report any changes to employment within 24 hours. If you are a juvenile, you must attend school every day that school is in session and obey all rules of the school authority.
9. You must complete _____ hours of community service.

10. You must not leave the Commonwealth of Pennsylvania for more than 24 hours or stay overnight at any place other than your approved residence without obtaining written or verbal permission.
11. You must comply with all Court-ordered financial obligations including the payment of child support.
12. You must abide by the following designated curfew until modified at the discretion of your Probation Officer:
Adults: 10:00 p.m. Juveniles: 9:00 p.m.
13. You must not possess or use any non-prescribed controlled substances and provide proof of any valid prescriptions as directed to do so.
14. You must submit to blood/urine testing as required by the Department of Probation Services. Specimen must be provided within 2 hours of request, and be of sufficient quality and quantity for chemical testing.
15. You must comply with all specific conditions dictated by the Court within your most recent sentencing, juvenile dispositional or supervised bail order (s) on the Case (s) noted above.
16. You must complete all Court-ordered evaluations or assessments. You must participate in and successfully complete any programs of treatment or counseling recommended by any Drug and Alcohol or Mental Health evaluation or assessment.

Alcohol related offenses and/or persons under 21 years of age

☐ You may not consume or possess alcohol. If you are prohibited from consuming alcoholic beverages, any blood/breath or urine testing positive for alcohol will be considered a violation.

Juveniles

☐ You are immediately subject to electronic monitoring and/or house arrest.

Sex Offenses

☐ I acknowledge that I have received a copy of the sex offender rules.

SEX OFFENDER RULES OF SUPERVISION

1. You shall obtain a sex offender evaluation from a certified sex offender treatment provider and follow through with all expectations and recommendations resulting therefrom and shall assume all responsibility for the costs of any required program. You shall provide written authorization for release of confidential information between your certified sex offender treatment provider and the Adams County Department of Probation Services.
2. You shall submit to regular polygraph examinations as directed by the treatment provider. You are responsible for the cost of this service.
3. If your offense involved a minor, you shall not frequent places where children congregate including but not limited to, playgrounds, swimming pools, schools, malls, arcades. You

shall not engage in any activity or employment that will bring you in close contact with children unless you receive permission from your Probation Officer.

4. If your offense involved a minor, you are not permitted to reside with minor children without permission from the Court; this includes children within your family. You will not have any contact with minor children without permission from your Probation Officer, or a Court Order. If supervised contact is permitted, the individual who provides the supervision must first be approved by your Probation Officer and the treatment provider.
5. You will not possess pornographic materials of any kind, including photographs, movies, or computer generated images depicting or showing nudity. You shall not enter adult book stores, adult entertainment clubs, massage parlors or any other establishment, that promote sexual material or objectifies males or females.
6. You may not possess images of your victim(s) in any format.
7. You will sign and agree to the conditions of the Sex Offender Internet Capable Device and Internet Access Agreement.
8. For monitoring purposes, you are subject to search of cell phone, camera/video recorder, computer, gaming device and their accessories, and any other device capable of internet access. These items may be viewed and/or scanned at any time to detect pornographic or sexually explicit content. You will agree to have a technology monitoring device or program installed on any computer or device you are authorized to possess or to which you have access if your certified sex offender treatment provider recommends or if there is a violation of any of these sex offender conditions or the Sex Offender Internet Capable Device and Internet Access Agreement.
9. You will comply with all sex offender registration and statutory requirements if applicable. You must provide fingerprints, palm prints, DNA sample and photograph, pursuant to 42 Pa.C.S.A. 9799.23(a)(4).
10. You shall obtain permission from a Probation Officer before leaving the Commonwealth of PA.
11. You shall not receive mail at any other location than your home residence address without your Probation Officers approval.
12. You are required to sign "Release of Information" forms as directed.

SEX OFFENDER SUPERVISION PROGRAM

INTERNET CAPABLE DEVICE AND INTERNET ACCESS AGREEMENT

I understand I am permitted to have access to internet capable devices and internet unless my certified sex offender treatment provider recommends restricting access. I hereby agree to the following:

1. I will only use the internet capable devices and/or internet provider approved by my Probation Officer and my certified sex offender treatment provider.
2. I will not enter or participate in any social media or chat rooms of any type unless I have been approved to do so by my certified sex offender treatment provider.
3. I will not access any site that contains sexually graphic material unless I have been approved to do so by my certified sex offender treatment provider.
4. I will not possess sexually graphic material on any internet capable device or

mechanism that can hold such material for visual use unless I have been approved to do so by my certified sex offender treatment provider.

5. I will not use any encryption devices on my internet capable device. I will supply my Probation Officer with any and all passwords and/or e-mail addresses used on my internet capable device.
6. I recognize I am responsible for all material and information on my internet capable device regardless if other individuals have access to or use my internet capable device.
7. I agree to any search of the content of my internet capable device. I will supply my Probation Officer with any and all passwords and/or e-mail addresses used on my computer.
8. I agree to supply documentation of telephone records, credit/debit card records, or invoices relating to the use of my internet capable device and/or internet access.
9. I understand that any non-compliance with this agreement, deception on my part, lack of cooperation or resistance to providing requested information will be grounds for violation proceedings being initiated.
10. I understand that if my certified sex offender treatment provider recommends or if there is a violation of this agreement, I am subject to having a technology monitoring device/program installed on any internet capable device I am authorized to possess or to which I have access.

STANDARD RULES OF SUPERVISION FOR CONTEMPT FOR FAILURE TO PAY

1. You may purge yourself of Contempt by the payment of \$ _____ which is payable to the Adams County Clerk of Courts.
2. You must notify your supervising Probation Officer and provide documentation when payment is made.
3. You must report as ordered to the Adams County Adult Correctional Complex on _____ at _____ if you have not paid the purge amount. Failure to report to ACACC after failing to purge will result in the filing of escape charges.
4. You must report as directed to the Adams County Department of Probation Services.
5. You must notify the Probation Department in advance of any changes to your mailing address or physical address.
6. You must comply with any and all other specific conditions dictated by the court within your sentence order dated, _____.

Rule 708.1. Violation of Probation, Intermediate Punishment, or Parole.

Unless otherwise specifically noted, procedures established by this Rule shall apply to violations of probation, intermediate punishment, and/or parole, regardless of which particular form of supervision is involved.

(A) *Gagnon I Hearing Master*: The President Judge shall appoint an attorney authorized to practice before the Court to conduct Gagnon I hearings.

(B) *Gagnon I Hearings*: Normally, monthly hearings shall be scheduled by Court order at least three (3) weeks in advance. When a defendant has been committed to Adams County prison because of a violation, and no other detainers require commitment,

hearings may be more promptly scheduled. The master shall promptly file with the Court preliminary findings and recommendations.

(C) *Gagnon II Hearings*: Gagnon II hearings shall be conducted on Revocation Day and normally scheduled by Court order at least three (3) weeks in advance. As in the case of Gagnon I hearings, hearings may be more promptly scheduled when a defendant is incarcerated.

(D) *Failure to appear*: A judge may order that a bench warrant issue for the arrest of any defendant who fails to appear at a hearing. If possible, any person so arrested shall be produced before a judge within 72 hours after being placed in Adams County prison. If holidays or court business cause a delay, the defendant shall be produced before a judge at the first available opportunity after being placed at Adams County Prison. The judge shall explain the reasons defendant is being held, the right to counsel and to hearing(s) on the charges and the possible consequences of being found in violation.

(1) Normally, when defendant has been arrested for failure to appear at a Gagnon I hearing, appearance before a judge shall suffice and be in lieu of that hearing. However, a Gagnon I hearing may be scheduled at defendant's request.

(2) Defendant may admit some or all of the alleged violations, but shall be under no obligation to deny them.

(3) If bail is set, it shall be conditioned on the defendant appearing at the next regularly scheduled Gagnon I or Gagnon II hearing date that follows arrest by at least twenty-one (21) days.

Comment: Although scheduling pursuant to this local rule is intended to reflect a balance between the necessity to prepare for hearings and defendant's interest in prompt disposition of charges, considerations of reasonableness may dictate either earlier or later hearings. Nothing in these rules shall preclude requests for special scheduling.

(E) *Commencement of proceedings*: Revocation proceedings may be commenced by petition and rule to show cause or by arrest. When commenced by arrest, defendant shall be produced before a judge without unnecessary delay. If possible, defendant shall be produced within 72 hours of his placement at Adams County Prison.

Rule 708.2. Intermediate Punishment Revocation Procedures.

(A) *General*

Because of considerations that are unique to intermediate punishment sentences, usually arising out of restrictive phases of the program, special or "fast-track" procedures applicable to

revocation may be employed at the request of the Probation Office. To describe these and place them in perspective, the following provisions are adopted:

Conditions of the program shall be established by the appropriate Intermediate Punishment Board and by the Court. Until changed, the program shall consist of six (6) phases, with Phase III divided into two (2) aspects, as follows:

1. Phase I, partial confinement-work release.
2. Phase II, house arrest-electronic monitoring.
3. Phase III, intensively supervised probation.
4. Phase III, temporary, intense supervision awaiting entry into Phase I or Phase
5. Phase IV, modified intensive supervision.
6. Phase V, general supervision.

(B) General conditions of probation and parole, as set forth in Local Rule 705.1, shall apply to Phases III, IV and V.

(C) Revocation procedures established in Local Rule 708.1 shall be followed when a defendant is not incarcerated.

(D) When a defendant is incarcerated, the following procedure shall be followed:

- (1) Within a reasonable time after incarceration occurs, the Probation Office shall transmit a request for an IPP review hearing to the District Attorney.
- (2) As part of the request, the Probation Office may recommend that bail be set in a specified amount and be subject to any special conditions requested by the Probation Office. The Probation Office may also recommend that no bail be set.
- (3) The District Attorney shall promptly submit an application to the court requesting that defendant's entry into the intermediate punishment program be revoked, that a hearing be scheduled and requesting that either that no bail be set, or that bail in a specified sum, subject to any requested conditions be set.

- (4) The judge to whom the application is submitted shall schedule a hearing within fifteen (15) days of the defendant's arrest and may set bail, subject to any special conditions that are ordered. If defendant posts bail and is released prior to the scheduled hearing, the hearing may be rescheduled in accordance with Local Rule 708.1. Fast track revocation hearings will be conducted by a judge assigned by the President Judge to handle such intermediate punishment violations.

Rule 708.3. Intermediate Punishment Revocation Forms.

- (A) Standard forms shall be used in IPP revocation proceedings, whenever possible. The District Attorney shall be responsible for drafting and utilizing petition forms. The Court may, by administrative order, change and adopt forms.

- (B) Until changed, the initial order shall be substantially in the following form:

(CAPTION)

ORDER

AND NOW, this day of , , at the recommendation of the

Probation Office, [] no bail is set [] bail is set at \$, with cash percentage bail available, subject to conditions requested by the District Attorney. Defendant is notified that he/she has the right to petition the court for bail or for a modification of the bail set. Until modified, the bail herein set shall apply.

A revocation hearing is hereby set for .M. on the day of ,
20 in Courtroom No. 2.

Judge

- (C) Until changed, defendants shall be given notice in substantially the following form:

NOTICE

DEFENDANT:

CASE NUMBER:

FILE NUMBER:

You have been charged with violating the conditions of your sentence to Intermediate Punishment. If the Court finds that you violated those conditions, you may be resentenced. If no plea agreement affects resentencing, the sentence could be the maximum authorized by law. You have the following important rights:

1. You have the absolute right to be represented by a lawyer. If you are too poor to hire a lawyer, a lawyer will be appointed to represent you at the cost of the County and at no cost to you. However, you must file an application with the Public Defender's Office and you must qualify before free counsel will be provided. It is your responsibility to file the application *promptly*. Your failure to have counsel will not be cause to continue or postpone the hearing.
2. You have the absolute right to a hearing, at which the Probation Office must prove that you violated the conditions set forth in this notice.
3. You may request that a judge set bail in this matter. If bail has already been set, you have the right to request that bail be lowered or that certain conditions be changed. The Adams County Probation office has recommended [] that you should not be allowed to post bail [] that bail be set at \$ with cash percentage bail available. **It is your responsibility** to petition the court for bail or for a bail reduction hearing. A hearing on this matter will be scheduled promptly and you will be notified by your Probation/Parole Officer as to the time and date.

Specific Rules Violated:

I have read or have had read to me the above rights of a person charged with a violation of IPP Probation and have had the specific rules violated explained by a Probation/Parole Officer.

Witness: _____ Defendant: _____

Date: _____ Date: _____

Rules 709--et seq. Reserved.

[Pa.B. Doc. No. 01-264. Filed for public inspection February 16, 2001, 9:00 a.m.]

[Pa.B. Doc. No. 02-2137. Filed for public inspection November 27, 2002; 9:00 a.m.] [Rules: 590, 590.1, 590.2, 704, 704.1]

[Pa.B. Doc. No. 06-1596. Filed for public inspection August 18, 2006, 9:00 a.m.] [Rule: 150] [Pa.B. Doc. No. 06-2103. Filed for public inspection October 27, 2006, 9:00 a.m.] [Rule: 528]

[Pa. B. Doc. No. 08-1960. Filed for public inspection October 31, 2008, 9:00 a.m.] [Rule: 117(B)]

[Pa. B. Doc. No. 15-720. Filed for public inspection April 17, 2015, 9:00 a.m.] [Rule 705.1(D)]

[Pa. B. Doc. No. 16-405. Filed for public inspection March 11, 2016, 9:00 a.m.] [Rule 105.2]

[Pa.B. Doc. No. 16-1854. Filed for public inspection October 28, 2016, 9:00 a.m.] [Rule 202]

[Pa.B. Doc. No. 20-809. Filed for public inspection June 26, 2020, 9:00 a.m.][Rule 507]

[Pa.B. Doc. No. 20-986 and Pa.B. Doc. No. 20-987. Filed for public inspection July 24, 2020, 9:00 a.m.][Rule 576.1]

[Pa.B. Doc. No. 22-1412. Filed for public inspection September 16, 2022, 9:00 a.m.][Rule 120]

[Pa.B. Doc. No. 23-561. Filed for public inspection April 28, 2023, 9:00 a.m.][Rules: 541, 541.1, 542, 542.1, 542.2, 570.1, 571, 571.1, 571.2, 571.3]

[Pa.B. Doc. No. 23-562. Filed for public inspection April 28, 2023, 9:00 a.m.][Rule 570]

[Pa.B. Doc. No. 23-843. Filed for public inspection June 30, 2023, 9:00 a.m.][Rule 705.1(D)]

[Pa.B. Doc. No. 23-1316. Filed for public inspection September 29, 2023, 9:00 a.m.][Rule 625]
[Pa.B. Doc. No. 23-1317. Filed for public inspection September 29, 2023, 9:00 a.m.][Rule 576.1(D)]
[Pa.B. Doc. No. 23-1590. Filed for public inspection November 17, 2023, 9:00 a.m.][Rule 542.1]

{current as of December 18, 2023}