

## **INTRODUCTION**

The Supreme Court of Pennsylvania has adopted the proposed changes to Rules 120, 200, 210, and 800.

### **Explanatory Report March 2007**

#### **RULE 120 - DEFINITIONS**

With the modifications of Rule 210, the Committee felt it was necessary to include Magisterial District Judges (hereinafter MDJs) when issuing an arrest warrant in the definition of court. The definition is very limited and requires the records of MDJs to follow the confidentiality requirements of Rule 160.

#### **RULE 200 - COMMENCING PROCEEDINGS**

Rule 200 has been modified with an additional provision of allowing cases to be commenced by the filing of a certification that a juvenile has failed to comply with a lawful sentence for a summary offense. Failure to comply with a lawful sentence for a summary offense is defined as a delinquent act pursuant to 42 Pa.C.S. § 6302. A written allegation may be filed in those cases but the revised Rule allows a delinquency case to be commenced by a certification from the MDJ that the juvenile has failed to comply with a lawful sentence for a summary offense, bypassing the need for a written allegation.

MDJs need to be able to close cases in their systems without a need for a police officer, probation officer, or district attorney filing a written allegation, on their behalf, alleging the failure to comply with a lawful sentence for a summary offense. This "certification" of a case from the MDJ to the Court of Common Pleas allows the MDJ's case to be closed once a certification is sent to the Court of Common Pleas. A third party does not need to intervene on behalf of the MDJ. This will additionally help clean up the computer system for the MDJs' offices.

#### **RULE 210 - ARREST WARRANTS**

There were several concerns of the usage of the word "detain" in the Comment to Rule 210. The Committee made a poor word choice that generated confusion. The Committee never intended for the MDJ to detain a juvenile or a juvenile to be brought to a MDJ. A MDJ may not "detain" a juvenile; however, the MDJ may issue an arrest warrant, which is the vehicle for the detention of a juvenile. A juvenile is never brought

before the MDJ but taken to a detention facility or the court as provided in the Rules. (See Rule 220).

The revised Rule 210 will delete the Comment language using the term “detain” and provide that the MDJ may order the juvenile to be taken into custody pursuant to the laws of arrest. The additional language also clarifies that the MDJ may issue an arrest warrant.

Further administrative modifications were made to Rule 210 to address the need to move the case from the MDJ to the Court of Common Pleas for processing the juvenile case, the need to notify the MDJ of the return of the arrest warrant, and the need to close the juvenile case permanently from the MDJ’s computer so the juvenile does not get rearrested on the arrest warrant. Paragraphs (D) through (F) were added to allow the case to move to the proper court and to ensure that the notification of the execution of the warrant gets back to the MDJ court. The modifications are necessary to maintain a proper and smooth transition in the MDJ’s automated computer systems.

#### **RULE 800 - SUSPENSIONS OF ACTS OF ASSEMBLY**

As with the Rule 210 Comment, there were several concerns of the usage of the word “detain.” The Committee has eliminated the word “detain” and replaced it with “issue an arrest warrant authorizing detention in limited circumstances.” See note to Rule 210.