

Laser Fax

Modification 5
Informational 5.85
January 23, 2009

RECOMMENDATION NO. 2 OF 2007

Effective February 1, 2009, upon the recommendation of the Criminal Procedural Rules Committee, the Supreme Court of Pennsylvania amended Rules 135 (Transcript of Proceedings Before Issuing Authority), 504 (Contents of Complaint), 510 (Contents of Summons; Notice of Preliminary Hearing), 543 (Disposition of Case at Preliminary Hearing), and 547 (Return of Transcript in Court Cases) and approved the revision of the *Comments* to Rules 109 (Defects in Form, Content, or Procedure), 512 (Procedures in Court Cases Following Issuing of Summons), and 527 (Nonmonetary Conditions of Release on Bail) to provide procedures for ensuring compliance with identification procedures, including fingerprinting, in summons cases.

CRIMINAL COMPLAINT ENTRY SCREEN

The Criminal Complaint Entry screen will display a question, "Defendant Fingerprinted Y/N." The filing officer will need to inform you by making a notation on the criminal complaint form as to whether the defendant has been fingerprinted.

District Attorney Approval (Y/N)	<input type="checkbox"/>	DA Signature	(Y/N)	<input type="checkbox"/>
Advised Right for Counsel (Y/N)	<input type="checkbox"/>			
Requested Public Defender (Y/N)	<input type="checkbox"/>	Application Provided (Y/N)	<input type="checkbox"/>	
Form # _____		Defendant Fingerprinted (Y/N)	<input type="checkbox"/>	?

Police Criminal Complaints

When a case proceeds by summons, the issuing authority must require that the defendant submit to the administrative processing and identification procedures as authorized by law that ordinarily occurs following an arrest. Rule 510(C) requires that an order directing the defendant to submit to fingerprinting in all cases in which the defendant has not been fingerprinted, except cases initiated by private complaint. To streamline the fingerprint process, if you indicated on the criminal complaint entry screen that the defendant was not fingerprinted, the system will advance you to the Fingerprint Order screen from the Summons Entry screen.

Private Criminal Complaints

Since the private and police criminal complaint dockets share the same entry screen, the defendant fingerprinted question will appear when you docket a private criminal complaint. Prior to the system advancing to the Charge Entry screen, however, it will evaluate whether the docket category is police or private based on the presence of a value in the Officer ID field. When it is determined to be a private complaint, and if the value of "Y" is recorded in the "Defendant Fingerprinted Y/N?" field, an error message will display. The value must be "N."

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FINGERPRINT ORDER RETURN

When the Fingerprint Order is returned to your court, you will use the new action code "CRET" (CR Fingerprint Returned) on the Fingerprint Order Entry screen. The Action Date field will be defaulted to the current date, but it can be changed. When the "CRET" action code is recorded, the system will *not* display the Grading screen upon completion of the Fingerprint Order Entry screen. Also, the "Defendant Fingerprinted Y/N" field on the Criminal Court Case Entry screen will automatically update from "N" to "Y".

The "CRET" code will be displayed in the F4 pop-up window for all case types; however it can only be selected for criminal court cases.

NONMONETARY CONDITIONS OF RELEASE ON BAIL

New paragraph (C)(3) has been added to Rule 543 which makes it clear that fingerprint order compliance should be made a condition of bail. Therefore, a sixth standard bail condition will print on the Bail Bond (414A1) form. This new condition reads, "The defendant must comply with any fingerprint order, if any is issued by this court."

DISPOSITION OF CASE AT PRELIMINARY HEARING

Police Criminal Complaint

The Case Disposition screen will display a pop-up question if the value to the "Defendant Fingerprinted Y/N?" question is "N" at the time a HDCT, WAV, or SNCP disposition is being recorded. If the defendant has not been fingerprinted, informational message "CSI0029- SET, MODIFY, OR REVOKE BAIL NEXT" will show at the bottom of the screen. This is a reminder that fingerprint compliance is a condition for release on bail. If there is no bail on the case, set bail to order fingerprint compliance or if bail already exists, modify or revoke bail since the defendant did not comply with the fingerprint order.

Private Criminal Complaint

If the defendant appears for the preliminary hearing and the case disposition is GP an informational message will display reminding you to issue a Fingerprint Order since the defendant is required to be fingerprinted.

New Form

If the defendant fails to appear at the preliminary hearing, has not yet been fingerprinted, and the hearing is HDCT in the defendant's absence, the new Request for Bench Warrant and Notice (Form A422) form will print. This form is similar to the existing Request for Bench Warrant form, but it has additional language to indicate that the defendant has not been fingerprinted. The Docket Inquiry screen will display an entry, "Request Bench Warrant/Notice – YES."

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Docket Transcript

Page 2 of the Docket Transcript (AOPC 501 B) has a new block 31 to indicate whether the defendant has been fingerprinted.

CRIMINAL COURT CASES FILED PRIOR TO FEBRUARY 1

The "Defendant Fingerprinted Y/N" field on the Case Entry screen will be blank for cases docketed before February 1st, but you can update this field using the Maintain Complaint screen. If you do not update the field, the field can remain blank when you exit the screen and you will not be prompted with the question when recording the case disposition. (For criminal court cases filed on or after February 1, the field will be required.)

The "Defendant Fingerprinted Y/N?" question will not display on the Criminal Court Case Entry screen for private criminal complaints filed prior to February 1.

POLICE CRIMINAL COMPLAINT FORM

The police officer will need to indicate on the police criminal complaint form whether the defendant has been fingerprinted. The notation can be made in the defendant identification information section or in an area on the form that your court and arresting agencies agree would be appropriate and suitable.

During this calendar year, the criminal complaint form and related documents will be substantially revised in format. Since many police agencies have record management systems that produce the forms, the decision was made to coordinate all the changes to the criminal filing forms and make one update. When the new version of the form is released, it will include a fingerprint indicator field.