

IN THE SUPREME COURT OF PENNSYLVANIA

IN RE:	:	NO. 310
	:	
ORDER PROMULGATING	:	
NEW RULE OF CRIMINAL	:	
PROCEDURE 801,	:	
RENUMBERING RULES	:	
OF CRIMINAL PROCEDURE	:	CRIMINAL PROCEDURAL RULES
801, 802, 803, 804, 805, 806,	:	
807, 808, 809, 810, AND	:	
APPROVING THE REVISION	:	
OF THE <i>COMMENTS</i> TO	:	
RULES OF CRIMINAL	:	
PROCEDURE 120, 122, 521,	:	
576, 604, 720, 901, and 904	:	
	:	DOCKET NO. 2

ORDER

PER CURIAM:

NOW, this 4th day of June, 2004, it is **ORDERED** pursuant to Article V, Section 10 of the Constitution of Pennsylvania that:

- (1) New Rule of Criminal Procedure 801 is promulgated;
- (2) Rules of Criminal Procedure 801, 802, 803, 804, 805, 806, 807, 808, 809, and 810 are renumbered as Rules 802, 803, 804, 805, 806, 807, 808, 809, 810, and 811 respectively; and
- (3) the revisions of the *Comments* to Rules of Criminal Procedure 120, 122, 521, 576, 604, 720, 901, and 904 are approved,

all in the attached form.

This **ORDER** shall be processed in accordance with Pa.R.J.A. 103(b), and shall be effective November 1, 2004.

IT IS FURTHER ORDERED, from the date of this Order until 18 months after the effective date of this Order, that the educational requirements in new Rule 801 shall be phased in as follows:

(1) from the date of this Order until the November 1, 2004 effective date, the appointing or admitting court shall determine that the attorney has attended at least 6 hours of courses relevant to representation in capital cases, using the new Rule 801 educational criteria as a guide for relevance;

(2) by November 1, 2004, to be eligible for appointment or to enter an appearance pursuant to new Rule 801, an attorney shall have completed a minimum of 6 hours of training relevant to representation in capital cases, as approved by the Continuing Legal Education Board;

(3) by November 1, 2005, to be eligible for appointment or to enter an appearance pursuant to new Rule 801, an attorney shall have completed a minimum of 12 hours of training relevant to representation in capital cases, as approved by the Continuing Legal Education Board; and

(4) by May 1, 2006, to be eligible for appointment or to enter an appearance pursuant to new Rule 801, an attorney shall have completed a minimum of 18 hours of training relevant to representation in capital cases, as approved by the Continuing Legal Education Board.

[Additions to the rules are shown in bold and are underlined. Deletions from the rules are shown in bold and brackets.]