

## FINAL REPORT<sup>1</sup>

### *New Rule 771* *Revision to the Comment to Pa.Rs.Crim.P. 471*

#### ELECTRONIC TRANSMISSION OF COURT CASE REPORTS TO PENNDOT

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On June 16, 2014, effective July 16, 2014, upon the recommendation of the Criminal Procedural Rules Committee, the Court adopted new Rule 771 (Disposition Report to the Department of Transportation) to require, pursuant to 75 Pa.C.S. §6323, that the specified court case dispositions be reported to the Pennsylvania Department of Transportation (PennDOT) electronically. The Court also approved the revision of the *Comment* to Rule 471 (Disposition Report) to remove an archaic provision.

New Rule 771 was developed as a result of a request from the Court Administrator of Pennsylvania to consider a rule mandating that the information regarding certain types of cases that courts are statutorily required to report to PennDOT be done electronically. Currently, 75 Pa.C.S. §6323 requires that the clerks of courts report to PennDOT the disposition of any case arising under the Motor Vehicle Code (Title 75) or under Section 13 of the Controlled Substance, Drug, Device and Cosmetic Act, 35 P.S. §780-113.<sup>2</sup>

This is similar to 75 Pa.C.S. §6322 that requires issuing authorities to provide reports of the disposition of summary motor vehicle cases to PennDOT. Rule 471 was adopted in 1993 to require that the transmission of these reports be done electronically. The impetus for Rule 471 was the implementation of the Court's Magisterial District

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<sup>1</sup> The Committee's *Final Reports* should not be confused with the official Committee *Comments* to the rules. Also note that the Supreme Court does not adopt the Committee's *Comments* or the contents of the Committee's explanatory *Final Reports*.

<sup>2</sup> Section 6323 references a provision in the Controlled Substances Act requiring the suspension of a defendant's driver's license for conviction of a drug offense. This provision, 35 P.S. §780-113(m) was repealed in 1993 and the suspension provisions are now found in 75 Pa.C.S. §1532(c).

Judge System (MDJS) that gave issuing authorities the capability of transmitting these reports electronically. No procedural problems have arisen by the electronic transmission provisions of Rule 471 since its adoption in 1993.

New Rule 771 extends this type of transmission to the clerks of courts now that the Court's Common Pleas Case Management System (CPCMS) provides the statewide capabilities for electronic transmission from the common pleas courts. The new rule simply extends to the common pleas courts the procedures in place for the MDJ courts.

The new rule has been numbered "771" to place it after the post-sentence procedures rules and before the expungement rules since the reports to PennDOT are filed as essentially the last event in a case at the common pleas level. The particular number also links it to Rule 471. The text of the new rule mirrors Rule 471 and requires the transmittal of the disposition information to be done electronically.

Rule 771 includes a provision that a hard copy of the report, signed by the clerk of courts, be added to the case file that is comparable to the requirement in Rule 471 with one modification. While the desire is ultimately to move towards paperless case files, the view of the Committee has been to maintain a traditional paper case file, particularly at the common pleas level. However, one of the publication responses, from a clerk of courts, requested modifying this provision to permit the retention of an electronic copy of the signed form to satisfy this requirement. The Committee concluded that this is a reasonable accommodation and the *Comment* to Rule 771 reflects this allowance.

Finally, a revision has been made to the *Comment* provision in Rule 471 regarding the locations from which the required transmission could be made. Specifically, the fourth paragraph in Rule 471 *Comment* makes a reference to the "District Justice Central Site Computer," which is an outdated term since all MDJ offices are equipped for transmitting the required information.