

FINAL REPORT¹

Amendments to Pa.Rs.Crim.P. 115 and 1012

REQUEST FOR TRANSCRIPTS

On August 3, 2020, effective October 1, 2020, upon the recommendation of the Criminal Procedural Rules Committee, the Court amended Rules 115 (Recording and Transcribing Court Proceedings) and 1012 (Recording and Transcribing Municipal Court Proceedings; Admissibility of Testimony at Trial *De Novo*) to correct the reference to the procedures for requesting transcripts that are now contained in Pennsylvania Rule of Judicial Administration 4007.

On August 12, 2016, the Uniform Rules Governing Court Reporting and Transcripts contained in the Pennsylvania Rules of Judicial Administration, Pa.Rs.J.A. 4001-4016 were amended. The Committee identified two Rules of Criminal Procedure that were impacted by these amendments. Foremost was Rule 115(B), which provides for the motions to transcribe court proceedings and has been superseded by Pa.R.J.A. 4007 (Requests for Transcripts).

Rule 115 (originally Rule 9030) was promulgated in 1981, following the repeal, under JARA, of statutory provisions regarding the transcribing of court proceedings. The stated purpose of the rule was to provide a mechanism for recording, transcription, and correction at the trial court level “before or in the absence of an appeal, and to control the amount of transcription in criminal cases.”² The concern at the time was that the Appellate Rules provided only for the transcription of testimony for appeal.

With the amendment to Pa.R.J.A. 4007, there is no longer a requirement for a formal motion to request a transcript but rather the request procedure contained in Pa.R.J.A. 4007 would apply. Therefore, paragraph (B) of Rule 115 has been amended to reflect this change. Additionally, the language in the *Comment* to Rule 115 regarding the use of the terms “record” and “transcript” has been modified for consistency.

¹ 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*.

² See 11 *Pa.B.* 396 (January 24, 1981).

Paragraph (C) of Rule 115 permitted correction or modification of the record prior to appeal, as provided by Pa.R.A.P. 1926. Effective October 1, 2019, Pa.R.A.P. 1922(c) was amended to allow the court and the parties to correct or supplement the transcript after an appeal has been taken. Accordingly, Rule 115(C) has been amended to permit correction of transcripts pursuant to Pa.R.A.P. 1922(c), together with permitted correction or modification of the record pursuant to Pa.R.A.P. 1926, prior to appeal. Additional revisions have also been incorporated to add consistency and improve the readability of the rules.

The other Rule of Criminal Procedure implicated was Rule 1012 that governs transcripts in the Philadelphia Municipal Court. Rule 1012 provides that Rule 115 shall apply to the recording and transcribing of Municipal Court case proceedings. Since Rule 115(A), regarding recording of proceedings, remains unchanged, the Committee concluded that the cross-reference to that rule should remain in Rule 1012. An additional cross-reference to Pa.R.J.A. 4007 has been added to Rule 1012 to direct readers to the procedures for requesting transcripts.