JUVENILE COURT PROCEDURAL RULES COMMITTEE
FINAL REPORT[1]

AMENDMENT OF Pa.R.J.C.P. 105

On August 11, 2016, the Court amended Pennsylvania Rule of Juvenile Court Procedure 105 concerning search warrants in juvenile delinquency matters to incorporate by reference Pennsylvania Rule of Criminal Procedure 212(B).

On October 22, 2013, the Court amended Pa.R.Crim.P. 212 to add that unexecuted warrants and affidavit(s) are not public records and should be destroyed upon return to the issuing authority. This amendment prompted the Committee to examine whether Pa.R.J.C.P. 105 should be amended to extend the "incorporation by reference" of that rule to include all or part of Pa.R.Crim.P. 212.

In its present form, Pa.R.Crim.P. 212(A) acknowledges that a warrant and affidavit in criminal matters are publicly available, but it limits access until the warrant has been executed. The Committee did not recommend referencing Pa.R.Crim.P. 212(A) because it might suggest that such access, albeit limited, extends to juvenile cases. *See also* Pa.R.J.C.P. 105, Comment, as amended.

Regarding Pa.R.Crim.P. 212(B), the Committee favored incorporating that provision into Pa.R.J.C.P. 105. While the Committee did not believe this information would be available in juvenile cases, it did agree that unexecuted warrants should be destroyed "[g]iven the potential harm to the subject of a search warrant." *See* Pa.R.Crim.P. 212, Comment.

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[1] The Committee's Final Report 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.