SUPREME COURT OF PENNSYLVANIA
CRIMINAL PROCEDURAL RULES COMMITTEE

NOTICE OF PROPOSED RULEMAKING

Proposed Amendment of Pa.R.Crim.P. 1037

The Criminal Procedural Rules Committee is considering proposing to the Supreme Court of Pennsylvania the amendment of Pa.R.Crim.P. 1037 (Appeal from Summary Conviction), for the reasons set forth in the accompanying publication report. Pursuant to Pa.R.J.A. 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* and posted on the Unified Judicial System's (System) website and shared on the System's applicable social media accounts by using a hyperlink to the System website posting. Readers are directed to the *Pennsylvania Bulletin* as the official publication.

Any report accompanying this proposal was prepared by the Committee to indicate the rationale for the proposed rulemaking. It will neither constitute a part of the rules nor be adopted by the Supreme Court.

Additions to the text of the proposal are bolded and underlined; deletions to the text are bolded and bracketed.

The Committee invites all interested persons to submit written responses to the:

Criminal Procedural Rules Committee
Supreme Court of Pennsylvania
Pennsylvania Judicial Center
PO Box 62635
Harrisburg, PA 17106-2635
FAX: (717) 231-9521
criminalrules@pacourts.us

All responses in reference to the proposal should be received by January 20**,** 2027. E-mail is the preferred method for submitting responses; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

By the Criminal Procedural Rules Committee,

David R. Crowley, Esq., Chair

Rule 1037. Appeal from Summary Conviction.

(A) When a defendant appeals after the entry of a guilty plea or a conviction in any Traffic Division summary proceeding, upon the filing of the transcript and other papers by the Traffic Division, the Court of Common Pleas may schedule a status or settlement conference prior to the *de novo* summary trial.

* * *

(G) After sentence is imposed by the Court of Common Pleas judge, **[and either after the expiration of the time to file an appeal to the appellate courts, or, if a sentence of imprisonment has been imposed, after the execution of the sentence of imprisonment, the case shall be returned to the Traffic Division for the collection of any outstanding fine and costs and for all other appropriate action]** **the case shall remain in the Court of Common Pleas for the execution of sentence, including the collection of any fine and restitution, and for the collection of any costs.**

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SUPREME COURT OF PENNSYLVANIA
CRIMINAL PROCEDURAL RULES COMMITTEE

PUBLICATION REPORT

Proposed Amendment of Pa.R.Crim.P. 1037

The Criminal Procedural Rules Committee is considering proposing to the Supreme Court the amendment of Pennsylvania Rule of Criminal Procedure 1037 (Appeal from Summary Conviction). Pa.R.Crim.P. 1037 governs procedures in the First Judicial District when, following a conviction for a summary offense in the Philadelphia Municipal Court Traffic Division, a defendant appeals to the court of common pleas for a *de novo* trial.

Currently, Pa.R.Crim.P. 1037(G) provides that, if the court of common pleas imposes sentence following the *de novo* trial, the case "shall be returned to the Traffic Division for the collection of any outstanding fine and costs and for all other appropriate action." In response to a rulemaking request, the Committee proposes to amend Pa.R.Crim.P. 1037(G) to provide that the case would stay with the court of common pleas for the execution of sentence, including the collection of any costs, fine, or restitution imposed as a result of conviction. This proposal is intended to bring the First Judicial District into conformity with the other judicial districts as it relates to post-sentence procedures in summary cases following a *de novo* trial. *See* Pa.R.Crim.P. 462(I).

All comments, concerns, and suggestions concerning this rule proposal are welcome.