

**SUPREME COURT OF PENNSYLVANIA
CRIMINAL PROCEDURAL RULES COMMITTEE**

ADOPTION REPORT

Amendment of Pa.R.Crim.P. 135, 460, and 547

On May 2, 2024, the Supreme Court amended Pennsylvania Rules of Criminal Procedure 135, 460, and 547. The Criminal Procedural Rules Committee has prepared this Adoption Report describing the rulemaking process. An Adoption Report should not be confused with Comments to the rules. See Pa.R.J.A. 103, cmt. The statements contained herein are those of the Committee, not the Court.

Background

Prior to the amendments discussed below, Pa.R.Crim.P. 460(D) required an issuing authority to file the transcript, original complaint or citation, the summons or warrant of arrest, and the bail bond with the clerk of courts if an appeal were taken. Similarly, Pa.R.Crim.P. 547(b)-(c) required an issuing authority to transmit to the clerk of courts a number of documents, including the original complaint, along with the transcript, if a defendant had been held for court or if the case was to be presented to the indicting grand jury. These rules required the transcript and documents to be physically transferred in their paper form.

With the introduction of the Electronic Records Management System (ERMS), magisterial district courts are now able to scan paper documents and convert them into an electronic format. Because of the availability of this technology, the Committee began considering amendments to the rules that would permit magisterial district courts to electronically transmit scanned transcripts and documents to the clerk of courts. Electronically transmitting these documents would eliminate delay and reduce costs.

To accomplish this modernization of the rules, the Committee favored rulemaking that would subject the electronic transmission of transcripts and documents to minimal requirements. First, the Committee chose to make the practice voluntary. By making the practice voluntary, the rules would not interfere with existing local procedures, or local procedures still being developed, by mandating statewide procedures. Additionally, the benefits of electronic transmission were viewed as sufficiently persuasive to render compulsion unnecessary. Second, rather than allowing electronic transmission to be at the discretion of each magisterial district court, the adoption of electronic transmission should be at the president judge's direction, ensuring uniformity across the judicial district. Third, any documents that were originally in paper form, including the transcript, would

remain with the magisterial district court subject to the Court's Record Retention Policy. See 204 Pa. Code § 213.51.¹

The Committee published a proposal consistent with the above requirements for comment. See 50 Pa.B. 5224 (September 26, 2020). One response was received from a clerk of courts who questioned whether the proposal would include miscellaneous cases such as fugitives from justice, see 42 Pa.C.S. § 9134, and indirect criminal contempt, see 23 Pa.C.S. § 6114. The Committee concluded that these types of cases should not be included because the rules do not currently provide for the transfer of these miscellaneous dockets. Moreover, the scope of the proposal was limited to court cases and appeals from summary proceedings. See Pa.R.Crim.P. 135(a), 460(a), and 547(a).

Amendments

Rules 135, 460, and 547 have each been amended to include a new subdivision titled "Electronic Transmission," which is further subdivided into three additional subdivisions. The new subdivision provides for a president judge to require, via the adoption of a local rule, that "the transcript and any associated documents [] be electronically scanned and transmitted to the clerk of courts in digital format in lieu of transmitting the physical paper transcript and associated documents;" identifies the scanned transcript and associated documents as the original documents for purposes of these rules; and requires the magisterial district judge to "retain the physical paper transcript and associated documents as may be required by rule of court or records retention policies." Pa.R.Crim.P. 135(c); Pa.R.Crim.P. 460(e); Pa.R.Crim.P. 547(d).

Rules 460 and 547 have also been amended to permit a copy of the complaint or citation, which ever applies, to be transmitted electronically when electronically transmitting the transcript and associated documents. Pa.R.Crim.P. 460(d)(2); Pa.R.Crim.P. 547(c)(1). Prior to this amendment, the original complaint or citation was required to be transmitted with the transcript. If the physical file is mailed or couriered to the clerk of courts, the original is still required.

Finally, the title of Rule 460 has been amended to read, "Notice of Appeal; Transmittal of Transcript and Associated Documents," and the title to Rule 547 has been amended to read, "Transmittal of Transcript and Associated Documents."

* * *

¹ The paper version of the documents, including wet signatures, have no discernable administrative or evidentiary value in subsequent proceedings. See *a/so* Pa.R.Crim.P. 103 (defining "copy" and "signature"). The archival value is governed by the Record Retention Policy.

The following commentary has been removed from Rule 135:

Official Note: Formerly Rule 125 adopted June 30, 1964, effective January 1, 1965; suspended effective May 1, 1970, revised January 31, 1970, effective May 1, 1970; renumbered Rule 26 and subparagraphs (b)(5) and (b)(10) amended September 18, 1973, effective January 1, 1974; subparagraph (b)(10) amended April 8, 1982, effective July 1, 1982; previous subparagraph (b)(7) deleted January 28, 1983, effective July 1, 1983; amended July 12, 1985, effective January 1, 1986; effective date extended to July 1, 1986; renumbered Rule 135 and amended March 1, 2000, effective April 1, 2001; amended July 10, 2008, effective February 1, 2009.

Committee Explanatory Reports:

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court's Order at 30 Pa.B. 1477 (March 18, 2000).

Final Report explaining the July 10, 2008 amendment adding new paragraph (9) requiring a notation of fingerprinting published with the Court's Order at 38 Pa.B. 3975 (July 26, 2008).

The following commentary has been removed from Rule 460:

Comment, ¶ 9: "Paragraph (D) was amended in 2003 to align this rule with Rule 401(A), which permits the electronic transmission of parking violation information in lieu of filing a citation."

Official Note: Former Rule 86 adopted July 12, 1985, effective January 1, 1986; revised September 23, 1985, effective January 1, 1986; the January 1, 1986 effective dates extended to July 1, 1986; amended February 2, 1989, effective March 1, 1989; amended March 22, 1993, effective January 1, 1994; amended October 28, 1994, effective as to cases instituted on or after January 1, 1995; amended February 27, 1995, effective July 1, 1995; amended October 1, 1997, effective October 1, 1998; amended May 14, 1999, effective July 1, 1999; amended March 3, 2000, effective July 1, 2000; rescinded March 1, 2000, effective April 1, 2001, and paragraphs (A), (D), (E), (F), (H), and (I) replaced by Rule 460. New Rule 460 adopted March 1, 2000, effective April 1, 2001; amended February 6, 2003, effective July 1, 2003; *Comment* revised February 28, 2003, effective July 1, 2003; *Comment* revised December 29, 2017, effective April 1, 2018; *Comment* revised January 27, 2021, effective June 1, 2021.

Committee Explanatory Reports:

Former Rule 86:

Final Report explaining the March 22, 1993 amendments to former Rule 86 published with the Court's Order at 23 Pa.B. 1699 (April 10, 1993).

Final Report explaining the October 28, 1994 amendments to former Rule 86 published with the Court's Order at 24 Pa.B. 5843 (November 26, 1994).

Final Report explaining the February 27, 1995 amendments to former Rule 86 published with the Court's Order at 25 Pa.B. 935 (March 18, 1995).

Final Report explaining the October 1, 1997 amendments to former Rule 86 published with the Court's Order at 27 Pa.B. 5408 (October 18, 1997.)

Final Report explaining the March 3, 2000 amendments concerning appeals from guilty pleas published with the Court's Order 30 Pa.B. 1509 (March 18, 2002).

New Rule 460:

Final Report explaining the reorganization and renumbering of the rules and the provisions of Rule 460 published at 30 Pa.B. 1478 (March 18, 2000).

Final Report explaining the February 6, 2003 changes concerning electronically transmitted parking citations published at 33 Pa.B. 969 (February 22, 2003).

Final Report explaining the February 28, 2003 Comment revision cross-referencing Rule 461 published with the Court's Order at 33 Pa.B. 1324 (March 15, 2003).

Final Report explaining the December 29, 2017 Comment revision cross-referencing Rule 462(F) published with the Court's Order at 48 Pa.B. 226 (January 12, 2018).

Final Report explaining the January 27, 2021 Comment revisions regarding dismissal by agreement of summary cases in the common pleas court pursuant to Rule 458 published with the Court's Order at 51 Pa.B. 688 (February 6, 2021).

The following commentary has been removed from Rule 547:

Official Note: Formerly Rule 126, adopted June 30, 1964, effective January 1, 1965; suspended January 31, 1970, effective May 1, 1970; revised January 31,

1970, effective May 1, 1970; renumbered Rule 146 and amended September 18, 1973, effective January 1, 1974; amended October 22, 1981, effective January 1, 1982; amended July 12, 1985, effective January 1, 1986; effective date extended to July 1, 1986; renumbered Rule 547 and amended March 1, 2000, effective April 1, 2001; amended August 24, 2004, effective August 1, 2005; amended May 1, 2007, effective September 4, 2007, and May 1, 2007 Order amended May 15, 2007; amended July 10, 2008, effective February 1, 2009; amended June 21, 2012, effective in 180 days; amended December 23, 2013, effective March 1, 2014.

Committee Explanatory Reports:

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court's Order at 30 Pa.B. 1478 (March 18, 2000).

Final Report explaining the August 24, 2004 changes published with the Court's Order at 34 Pa.B. 5025 (September 11, 2004).

Final Report explaining the May 1, 2007 amendments concerning the request for a bench warrant published with the Court's Order at 37 Pa.B. 2496 (June 2, 2007).

Final Report explaining the July 10, 2008 amendments to paragraph (C)(6) concerning the fingerprint order published at 38 Pa.B. 3971 (July 26, 2008).

Final Report explaining June 21, 2012 amendments to paragraph (A) and adding paragraph (C)(7) concerning indicting grand juries published with the Court's Order at 42 Pa.B. 4140 (July 7, 2012).

Final Report explaining the December 23, 2013 Comment revisions concerning sealed arrest warrant documents published with the Court's Order at 44 Pa.B. 239 (January 11, 2014).

* * *

These amendments are effective April 1, 2025.