

**FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
PHILADELPHIA MUNICIPAL COURT**

Administrative Order No. 08 of 2019

***In re: Amendment of Philadelphia Municipal Court
Criminal Rule 540. Preliminary Arraignment***

ORDER

AND NOW, this 8th day of April 2019, it is hereby ORDERED and DECREED that
Philadelphia Municipal Court Criminal Rule 540. Preliminary Arraignment is amended, as attached,
effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

As required by Pa.R.J.A. 103(d), this Administrative Order and the proposed local rule were submitted to the Supreme Court of Pennsylvania Criminal Procedural Rules Committee for review, and written notification has been received from the Rules Committee certifying that the amendment of the proposed local rule is not inconsistent with any general rule of the Supreme Court. This Administrative Order and the attached amended local rule shall be filed with the Office of Judicial Records (formerly the *Prothonotary, Clerk of Courts and Clerk of Quarter Sessions*) in a docket maintained for Administrative Orders issued by the First Judicial District of Pennsylvania. As required by Pa.R.J.A. 103(d)(5)(ii), two certified copies of this Administrative Order and the attached amended local rule, as well as one copy of the Administrative Order and local rule, shall be distributed to the Legislative Reference Bureau on a computer diskette for publication in the *Pennsylvania Bulletin*. As required by Pa.R.J.A. 103(d)(6) one certified copy of this Administrative Order and local rule shall be filed with the Administrative Office of Pennsylvania Courts, shall be published on the website of the First Judicial District at www.philacourts.us, and shall be incorporated in the compiled set of local rules no later than 30 days following publication in the *Pennsylvania Bulletin*. Copies of the Administrative Order and local rules shall also be published in *The Legal Intelligencer* and will be submitted to *American Lawyer Media, Jenkins Memorial Law Library*, and the Law Library for the First Judicial District.

BY THE COURT:

/s/ Patrick F. Dugan

**HONORABLE PATRICK F. DUGAN
President Judge
Philadelphia Municipal Court**

Amendment to Rule 540 Preliminary Arraignment.

New language is **bolded and underlined**.

Rule 540 Preliminary Arraignment.

- (A) Preliminary arraignments shall be held 24/7/365, at the Justice Juanita Kidd Stout Center for Criminal Justice, in accordance with Pa.R.Crim.P. No. 540. Information available to the Arraignment Court Magistrate through PARS may be relied upon by the Arraignment Court Magistrate, shall be included in the case file, and shall be accessible by the parties and the public as provided by the Case Records Public Access Policy of the Unified Judicial System of Pennsylvania. The Arraignment Court Magistrate shall include in the case file documentary exhibits, if any, introduced by the Commonwealth or defense counsel.
- (B) Hospital bedside preliminary arraignments may be conducted between 7:00 AM and 7:00 PM (or at such other times as authorized by the President Judge from time to time), in person or by using two-way simultaneous audio-visual communications as directed by the issuing authority or Arraignment Court Magistrate. Police shall direct all requests for bedside preliminary arraignments to the assigned Arraignment Court Magistrate at the Justice Juanita Kidd Stout Center for Criminal Justice.

Comment: The Pennsylvania Rules of Criminal Procedures only require the recording and transcription of court proceedings after the preliminary arraignment. See Pa.R.Crim.P. No. 1012 (A) and Pa.R.Crim.P. No. 115. Accordingly, preliminary arraignments conducted by Arraignment Court Magistrates will not be recorded or transcribed. However, the President Judge of the Philadelphia Municipal Court may direct that preliminary arraignments conducted by Arraignment Court Magistrates be recorded solely for quality control purposes. These recordings shall not be deemed a public record and shall not be available, discoverable or offered in evidence in any proceeding.

*Note: Former Rule 550 rescinded and new rule adopted by the Municipal Court Board of Judges on November 18, 2005; effective March 15, 2006. Rule renumbered as Rule 540 and amended on May 14, 2018; effective July 1, 2018. **Comment added by P.J. Administrative Order No. 08 of 2019 issued on April 8, 2019; effective _____, 2019.***