

FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
IN THE MUNICIPAL COURT OF PHILADELPHIA

General Court Regulation No. 2006-01

**In Re: Amended Municipal Court Rule of Criminal Procedure 540 –
Bail for Traffic Court Scofflaws**

ORDER

AND NOW, this 19th day of January, 2006, the Board of Judges of Municipal Court having voted at the Board of Judges' meeting held on January 18, 2006 to amend Municipal Court Rule of Criminal Procedure 540, IT IS HEREBY ORDERED that Municipal Court Rule of Criminal Procedure 540 is amended as attached hereto.

This General Court Regulation is issued in accordance with Pa.R.Crim.P. 105 and, as required, the original General Court Regulation shall be filed with the Prothonotary in a Docket maintained for General Court Regulations issued by the President Judge of the Municipal Court of Philadelphia, and copies shall be submitted to the Administrative Office of Pennsylvania Courts, the Clerk of Quarter Sessions, and the Criminal Procedural Rules Committee. Copies of the Order shall also be submitted to American Lawyer Media, *The Legal Intelligencer*, Jenkins Memorial Law Library, and the Law Library for the First Judicial District of Pennsylvania, and posted on the website of the First Judicial District: <http://courts.phila.gov>.

BY THE COURT:

/s/ Louis J. Prezenza

HON. LOUIS J. PRESENZA
PRESIDENT JUDGE
PHILADELPHIA MUNICIPAL COURT

Rule of Criminal Procedure for the Philadelphia Municipal Court

Rule 540 Bail for Traffic Court Scofflaws

- A. Procedure When a Defendant Arrested Pursuant to Traffic Court Warrants When Traffic Court Closed.
1. The defendant shall be taken without unnecessary delay to a Philadelphia Police Offender Processing site or county prison. The defendant shall be identified, and the outstanding warrant(s) and total amount of any fine and costs owed shall be confirmed.
 2. The defendant shall appear before the Bail Commissioner by means of two-way simultaneous audio-video equipment for a warrant hearing. The proceeding before the Bail Commissioner shall be as set forth below in paragraph (B).
- B. Proceeding Before the Bail Commissioner. Warrant Hearing. Scheduling of Traffic Court proceeding.
1. The Bail Commissioner shall determine whether the defendant should be released pending the next Traffic Court hearing, and if so, whether collateral must be posted by the defendant to secure defendant's release pending the next Traffic Court hearing. If the Bail Commissioner determines that collateral must be posted, the Bail Commissioner shall set collateral as provided in Pa.R.Crim.P. 1034.
 2. The Bail Commissioner shall schedule a hearing before the Traffic Court using a Subpoena/Commitment form.
 3. The defendant shall sign the Subpoena/Commitment form and shall be given a copy.
 4. If the posting of collateral is ordered and is not posted by or on behalf of the defendant, the defendant shall be brought to the county prison and shall be brought down for the scheduled Traffic Court proceeding. Provided, however, that the defendant shall be released promptly upon the posting of the collateral set by the Bail Commissioner.
 5. At the conclusion of the hearing, the Bail Commissioner shall direct that all outstanding Traffic Court warrants against the defendant be withdrawn.

***Amended by the Municipal Court Board of Judges on 18 January 2006.
Effective 1 March 2006.***

COMMENT: Consistent with Pa.R.Crim.P. 1034 the Bail Commissioner shall set collateral in a reasonable amount, i.e. an amount which upon consideration of the defendant's income and the defendant's expenses may be reasonably posted by the

defendant. It is the intention of the court that most, if not all, defendants will be released pending the date of the summary trial or hearing. However, should Traffic Court records disclose that the defendant has a history of failure to appear for Traffic Court summary trials or hearings, especially after personal service of the notice of trial or scheduling order, the Bail Commissioner may direct that the defendant be held until the summary trial or hearing date and may be released only upon payment of the full amount of collateral or outstanding fines. Should the defendant be ordered held until the date of the summary trial or hearing, the summary trial or hearing should be scheduled as soon as practical.