

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

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**President Judge Administrative Order**  
**No. 1 of 2014**

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*In re: Amendment of Philadelphia Municipal Court Local Criminal Rule 540*

**Order**

AND NOW, this 9<sup>th</sup> day of May, 2014, the Board of Judges of the Philadelphia Municipal Court having voted, at the Board of Judges' meeting held on May 9, 2014, to amend *Philadelphia Municipal Court Local Criminal Rule 540*, IT IS HEREBY ORDERED that *Philadelphia Municipal Court Local Criminal Rule 540* is amended as attached.

As required by Pa.R.Crim.P. No. 105 (D), the proposed amended rule has been submitted to the Supreme Court's Criminal Procedural Rules Committee for review and written notification has been received from the Committee certifying that the proposed amended rule is not inconsistent with any general rule of the Supreme Court. The original Administrative Order and amended local rule shall be filed with the Office of Judicial Records in a docket maintained orders issued by the President Judge of the Philadelphia Municipal Court, and, as required by Pa.R.Crim.P. No. 105(E), two certified copies of this Administrative Order and amended local rule as well as a copy on a computer diskette shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*. The amendment to *Philadelphia Municipal Court Local Criminal Rule 540* will become effective thirty (30) days after publication in the *Pennsylvania Bulletin*. As required by Pa.R.Crim.P. No. 105 (F) one certified copy of this General Court Regulation and amended local rules shall be filed with the Administrative Office of Pennsylvania Courts and the local rule will also be published on the Unified Judicial System's web site at <http://ujportal.pacourts.us/localrules/ruleselection.aspx> and posted on the First Judicial District's website at <http://courts.phila.gov>. Copies of this Order and amended local rules shall 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/ **Marsha H. Neifield**

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**HONORABLE MARSHA H. NEIFIELD**  
President Judge, Philadelphia Municipal Court

## Philadelphia Municipal Court Local Criminal Rule 540

A. Procedure When a Defendant Is Arrested Pursuant to Traffic ~~Court~~ Division Warrants When the Traffic ~~Court~~ Division is 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~~ an Arraignment Court Magistrate by means of two-way simultaneous audio-video equipment for a warrant hearing. The proceeding before the ~~Bail Commissioner~~ Arraignment Court Magistrate shall be as set forth below in paragraph (B).

B. Proceeding Before the ~~Bail Commissioner~~ Arraignment Court Magistrate. Warrant Hearing. Scheduling of Traffic ~~Court~~ Division proceeding.

1. The ~~Bail Commissioner~~ Arraignment Court Magistrate shall determine whether the defendant should be released pending the next Traffic ~~Court~~ Division hearing, and if so, whether collateral must be posted by the defendant to secure defendant's release pending the next Traffic ~~Court~~ Division hearing. If the ~~Bail Commissioner~~ Arraignment Court Magistrate determines that collateral must be posted, the ~~Bail Commissioner~~ Arraignment Court Magistrate shall set collateral as provided in Pa.R.Crim.P. 1034.

2. The ~~Bail Commissioner~~ Arraignment Court Magistrate shall schedule a hearing before the Traffic ~~Court~~ Division 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~~ Division proceeding. Provided, however, that the defendant shall be released promptly upon the posting of the collateral set by the ~~Bail Commissioner~~ Arraignment Court Magistrate.

5. At the conclusion of the hearing, the ~~Bail Commissioner~~ Arraignment Court Magistrate shall direct that all outstanding Traffic ~~Court~~ Division warrants against the defendant be withdrawn.

*COMMENT: Consistent with Pa.R.Crim.P. 1034 the ~~Bail Commissioner~~ Arraignment Court Magistrate 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 the records of the Traffic ~~Court~~ records Division disclose that the defendant has a history of failure to appear for Traffic ~~Court~~ Division summary trials or hearings, especially after personal service of the notice of trial or scheduling order, the ~~Bail Commissioner~~ Arrestment Court Magistrate 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.

*Note: Amended by the Municipal Court Board of Judges on January 18, 2006, effective on March 1, 2006; amended May 9, 201, and effective on , 2014.*