

THE COURTS

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CH. 1915]

Proposed Amendments to the Rules Relating to Custody; Recommendation 53

The Domestic Relations Procedural Rules Committee proposes the following amendments to Rules of Civil Procedure 1915.4-1, 1915.4-2 and new Rule 1915.4-3. The Committee solicits comments and suggestions from all interested persons prior to submission of these proposed amendments to the Supreme Court of Pennsylvania.

Written comments relating to the proposed amendments must be received no later than Friday June 9, 2000 and must be directed to: Patricia A. Miles, Esquire, Counsel, Domestic Relations Procedural Rules Committee, 5035 Ritter Road, Suite 700, Mechanicsburg, Pennsylvania 17055, Fax (717) 795-2116, E-mail patricia.miles@supreme.court.state.pa.us.

Any notes and explanatory comments which may appear in connection with the proposed amendments have been inserted by the Committee for the convenience of those using the rules. They will not constitute part of the rules and will not officially be adopted or promulgated by the Supreme Court.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 1915. ACTIONS FOR CUSTODY, PARTIAL CUSTODY AND VISITATION OF MINOR CHILDREN

Rule 1915.4-1. Alternative Hearing Procedures.

[(a) Except as provided in subdivision (b), an] An action for partial custody or visitation may be heard by a hearing officer as prescribed by Rule 1915.4-2. **Trials before a judge shall be as set forth in Rule 1915.4-3.**

[(b) Promptly after the filing of the complaint, a party may move the court for a hearing before a judge where

- (1) there are complex questions of law, fact or both, or**
- (2) the hearing will be longer than one hour, or**
- (3) the parties certify to the court that there are serious allegations affecting the child's welfare.]**

Rule 1915.4-2. Office Conference[.], Hearing[.], Record[.], Exceptions[.], Order.

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(d) At the conclusion of the conference if an agreement relating to partial custody or visitation has not been reached, the parties shall be given notice of the date, time and place of a hearing, which may be the same day, **but in no event shall be more than 45 days from the date of the conference.**

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(f) **Within 10 days of the conclusion of the hearing, [The]** the hearing officer shall file with the court and **serve upon all parties** a report containing a recommendation with respect to the entry of an order of partial custody or visitation. The report may be in narrative form stating the reasons for the recommendation and shall include a proposed order, including a specific schedule for partial custody or visitation. **[A copy of the report shall be furnished to all parties within ten days.]**

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(i) If exceptions are filed, the court shall hear argument on the exceptions **within 30 days of the date the last party files exceptions**, and enter an appropriate final order **within 15 days of argument**. No motion for Post-Trial Relief may be filed to the final order.

Rule 1915.4-3. Prompt Disposition of Custody Cases.

(a) **Initial Contact.** Depending upon the procedure in the judicial district, the parties' initial contact with the court (e.g., conference with hearing or conference officer pursuant to Rule 1915.4-2 in actions for partial custody or visitation, conciliation, mediation and/or seminar) shall be scheduled to occur not later than 30 days from the service of the complaint or petition. If the practice in the judicial district does not include conferences, conciliation, mediation, education or another preliminary step, the matter shall be listed for trial before a judge as set forth in subdivision (b) below.

(b) **Listing.** Depending upon local practice, a praecipe, motion or request for trial shall be submitted no earlier than 60 days and no later than 120 days from service of the pleading, except as otherwise provided in this subdivision. If no praecipe, motion or request for trial is filed within 120 days of service of the pleading, the court shall dismiss the matter unless the moving party has been granted an extension for good cause shown, which extension shall not exceed 60 days beyond the 120 day limit. A praecipe, motion or request for trial may be submitted earlier than 60 days after service of a petition for emergency relief, contempt, relocation or for other good cause shown.

(c) **Trial.** Trials before a judge shall commence within 90 days of the date of filing the praecipe, motion or request for trial. Trials and hearings shall be scheduled to be heard on consecutive days whenever possible but, if not on consecutive days, then the trial or hearing shall be concluded not later than 45 days from commencement.

(d) **Prompt Decisions.** The judge's decision shall be entered and filed within 15 days of the date upon which the trial is concluded unless, within that time, the court extends the date for such decision by order entered of record showing good cause for the extension. In no event shall an extension delay the entry of the court's decision more than 45 days after the conclusion of trial.

Explanatory Comment—2000

A new rule requiring prompt custody trials was recommended by a special committee established by the Pennsylvania Superior Court. That committee concluded that the interests of children who are

the subjects of custody litigation would best be served by a requirement that the litigation be concluded within specific time frames.

DAVID S. RASNER,
Esquire

Domestic Relations Procedural Rules Committee

[Pa.B. Doc. No. 00-733. Filed for public inspection May 5, 2000, 9:00 a.m.]

Title 234—RULES OF CRIMINAL PROCEDURE

[234 PA. CODE CHS. 1, 5, 6, 20, 300,
1100 AND 4000]

Order Adopting New Rule 300; Amending Rules 21 and 4015; and Approving the Revision of the Comments to Rules 25 and 1100¹; No. 263 Criminal Procedural Rules; Doc. No. 2

The Criminal Procedural Rules Committee has prepared a Final Report explaining new Rule of Criminal Procedure 300 (Transfer of Proceedings), the amendments to Rules 21 (Venue) and 4015 (Receipt for Deposit; Return of Deposit), and the revision of the Comments to Rules 25 (Objections to Venue) and 1100 (Prompt Trial) that were adopted April 20, 2000, effective July 1, 2000. These rule changes provide uniform procedures for the institution or transfer of proceedings in cases in which there are multiple charges in more than one judicial district, or multiple charges in more than one magisterial district within one judicial district, arising from a single criminal episode. The Final Report follows the Court's Order.

Order

Per Curiam:

Now, this 20th day of April, 2000, upon the recommendation of the Criminal Procedural Rules Committee; the proposal having been published before adoption at 28 Pa.B. 475 (January 31, 1998), and in the *Atlantic Reporter* (Second Series Advance Sheets, Vol. 703), and a Final Report to be published with this *Order*:

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that:

(1) Rule of Criminal Procedure 300 is hereby promulgated;

(2) Rules of Criminal Procedure 21 and 4015 are amended; and

(3) the revision of the Comments to Rules of Criminal Procedure 25 and 1100 is approved,

all in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. 103(b), and shall be effective July 1, 2000.

¹ New Rule 300 will be renumbered Rule 555 and be in new Part (D)(1) (Transfer of Multi-Venue Cases), Rule 21 will be renumbered Rule 130, Rule 25 will be renumbered 134, Rule 1100 will be renumbered Rule 600, and Rule 4015 will be renumbered Rule 535 as part of the renumbering and reorganization of the Rules of Criminal Procedure the Court adopted on March 1, 2000, effective April 1, 2001.

Annex A

TITLE 234. RULES OF CRIMINAL PROCEDURE

PART I. GENERAL

CHAPTER 20. ISSUING AUTHORITIES: VENUE, LOCATIONS AND RECORDING OF PROCEEDINGS

Rule 21. Venue; Transfer of Proceedings.²

(a) Venue

All criminal proceedings shall be brought before the issuing authority for the magisterial district [**where**] in **which** the offense is alleged to have occurred or before an issuing authority on temporary assignment to serve such magisterial district, subject, however, to the following exceptions:

[(a)] (1) A criminal proceeding may be brought before any issuing authority of any magisterial district within the judicial district whenever the particular place within the judicial district where the offense is alleged to have occurred is unknown.

(2) When charges arising from the same criminal episode occur in more than one magisterial district within the same judicial district, the criminal proceeding on all the charges should be brought before one issuing authority in any one of the magisterial districts in which the charges arising from the same criminal episode occurred.

(3) When charges arising from the same criminal episode occur in more than one judicial district, the criminal proceeding on all the charges should be brought before one issuing authority in a magisterial district within any of the judicial districts in which the charges arising from the same criminal episode occurred.

[(b)] (4) Whenever an arrest is made without a warrant for any summary offense arising under the Vehicle Code, which allegedly occurred on a highway of the Pennsylvania Turnpike System or any controlled or limited access highway, or any right-of-way of such System or highway, or any other highway or highways of the Commonwealth, the defendant shall be taken and the proceeding shall be brought either where the offense allegedly occurred, or before the issuing authority for any other magisterial district within the same judicial district which, in the judgment of the arresting officer, is most convenient to the place of arrest without regard to the boundary line of any magisterial district or county.

[(c)] (5) [**Where**] When any offense is alleged to have occurred within 100 yards of the boundary between two or more magisterial districts of a judicial district, the proceeding may be brought in either or any of the magisterial districts without regard to the boundary lines of any county.

[(d)] (6) [**Where**] When the [**President**] **president** [**Judge**] **judge** designates a magisterial district or a location in that district in which certain classes of offenses, which occurred in other specified magisterial districts, may be heard.

(b) Transfer of Proceedings

(1) Prior to the completion of the preliminary hearing:

² Rule 21 will be renumbered Rule 130 as part of the renumbering and reorganization of the Rules of Criminal Procedure the Court adopted on March 1, 2000, effective April 1, 2001.

(a) When charges arising from a single criminal episode, which occurred in more than one judicial district,

(i) are filed in more than one judicial district, upon the filing with the issuing authority of a written agreement by the attorneys for the Commonwealth, the proceedings shall be transferred to the magisterial district in the judicial district selected by the attorneys for the Commonwealth; or

(ii) are filed in one judicial district, upon the filing of a written agreement by the attorneys for the Commonwealth, the proceedings shall be transferred to the magisterial district in the judicial district selected by the attorneys for the Commonwealth.

(b) When charges arising from a single criminal episode, which occurred in more than one magisterial district,

(i) are filed in more than one magisterial district, the proceedings may be transferred to the magisterial district selected by the attorney for the Commonwealth; or

(ii) are filed in one magisterial district, the proceedings may be transferred to another magisterial district selected by the attorney for the Commonwealth.

(2) The issuing authority shall promptly transmit to the issuing authority of the magisterial district to which the proceedings are being transferred a certified copy of all docket entries, together with all the original papers filed in the proceeding, a copy of the bail bond and any deposits in satisfaction of a monetary condition of bail, and a bill of the costs which have accrued but have not been collected prior to the transfer.

Comment

Except as otherwise provided in paragraph (A)(3), paragraph (a) of [This] this rule governs venue between magisterial districts within the same judicial district, i.e., the matter of where a proceeding is to be brought within the judicial district having jurisdiction.

Paragraph (a)(3), which is an exception to the general rule governing venue, was added in 2000 in view of *Commonwealth v. McPhail*, 692 A.2d 139 (Pa. 1997), in which the Court held that "all charges stemming from a single criminal episode" must be joined in a single trial "despite the fact that some of the charges arose in a different county." Accordingly, when charges arising from a single criminal episode occur in more than one judicial district, the magisterial district in which the proceeding on all the charges is brought, i.e., the one with venue, may be any one of the magisterial districts in which the charges occurred.

Similarly, when charges arising from a single criminal episode occur in more than one magisterial district within one judicial district, the magisterial district in which the proceeding on all the charges is brought, i.e., the one with venue, may be any one of the magisterial districts in which the charges occurred.

The decision of in which magisterial district in paragraph (a)(2) or in which judicial district in paragraph (a)(3) the proceedings are to be brought is to be made initially by the law enforcement

officers or attorneys for the Commonwealth. In making the decision, the law enforcement officers or attorneys for the Commonwealth must consider in which magisterial district under paragraph (a)(2) or in which judicial district under paragraph (a)(3) it would be in the interests of justice to have the case proceed, based upon the convenience of the defendant and the witnesses, and the prompt administration of justice.

See Rule 25 (Objections to Venue)³ for the procedures to challenge a transfer of proceedings under this rule.

See Rule 151 for the procedures to withdraw the prosecution.⁴

See Chapter 4000 concerning bail.⁵

Official Note: Formerly Rule 154, adopted January 16, 1970, effective immediately; section (a)(3) adopted July 1, 1970, effective immediately; renumbered Rule 21 September 18, 1973, effective January 1, 1974; amended July 1, 1980, effective August 1, 1980; amended January 28, 1983, effective July 1, 1983; renumbered Rule 130 and amended March 1, 2000, effective April 1, 2001; amended April 20, 2000, effective July 1, 2000.

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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 April 20, 2000 amendments concerning multiple charges arising from a single criminal episode published with the Court's Order at 30 Pa.B. 2219 (May 6, 2000).

Rule 25. Objections to Venue.⁶

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Comment

An objection to venue under this rule would include a challenge to the transfer of proceedings pursuant to Rule 21(B).⁷

Official Note: Formerly Rule 155, adopted January 6, 1970, effective immediately; renumbered Rule 25 September 18, 1973, effective January 16, 1974; amended January 28, 1983, effective July 1, 1983; renumbered Rule 134 and amended March 1, 2000, effective April 1, 2001; amended April 20, 2000, effective July 1, 2000.

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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).

³ Rule 25 will be renumbered Rule 134 as part of the renumbering and reorganization of the Rules of Criminal Procedure the Court adopted on March 1, 2000, effective April 1, 2001.

⁴ Rule 151 will be renumbered Rule 551 as part of the renumbering and reorganization of the Rules of Criminal Procedure the Court adopted on March 1, 2000, effective April 1, 2001.

⁵ Chapter 4000 will be renumbered Chapter 5 Part C as part of the renumbering and reorganization of the Rules of Criminal Procedure the Court adopted on March 1, 2000, effective April 1, 2001.

⁶ Rule 25 will be renumbered Rule 134 as part of the renumbering and reorganization of the Rules of Criminal Procedure the Court adopted on March 1, 2000, effective April 1, 2001.

⁷ Rule 21 will be renumbered Rule 130 as part of the renumbering and reorganization of the Rules of Criminal Procedure the Court adopted on March 1, 2000, effective April 1, 2001.

Final Report explaining the April 20, 2000 amendments concerning multiple charges arising from a single criminal episode published with the Court's Order at 30 Pa.B. 2219 (May 6, 2000).

(Editor's Note: The following rule is a new rule and is printed in regular type to enhance readability.)

CHAPTER 300. PRETRIAL PROCEEDINGS

Rule 300. Transfer of Proceedings.⁸

(A) In all cases in which charges arising from a single criminal episode occur in more than one judicial district:

(1) If the charges are filed in more than one judicial district, at any time after the case is held for court, the proceedings shall be transferred to one of the judicial districts.

(2) If all the charges are filed in one judicial district, at any time after the case is held for court, the proceedings may be transferred to another one of the judicial districts.

(B) The judicial district to which the proceedings are to be transferred shall be determined either:

(1) by written agreement of the parties, filed with the clerk(s) of courts of the judicial district(s) in which the charges are pending; or

(2) by written agreement of the attorneys for the Commonwealth, filed with the clerk(s) of courts of the judicial district(s) in which the charges are pending, with service upon the defendant or defendant's counsel, and an opportunity for the defendant to object.

(C) Upon the filing of the agreement of the parties in paragraph (B)(1), the court promptly shall order the transfer of the proceedings.

(D) Upon the filing of the agreement of the attorneys for the Commonwealth in paragraph (B)(2),

(1) absent an objection within 10 days of filing, the court promptly shall order the transfer of the proceedings.

(2) In those cases in which an objection is filed by the defendant, the court shall promptly dispose of the objection. If the objection is denied, the court immediately thereafter shall order the transfer of the proceedings.

(E) Upon the issuance of the transfer order pursuant to paragraphs (C), (D)(1), or (D)(2), the clerk(s) of courts of the transferring judicial district(s) shall promptly transmit to the clerk of courts of the judicial district to which the proceedings are being transferred a certified copy of all docket entries, together with all the original papers filed in the proceeding in the clerk's judicial district, a copy of the bail bond and any deposits in satisfaction of a monetary condition of bail, and a bill of the costs which have accrued but have not been collected prior to the transfer.

(F) When a proceeding is transferred pursuant to this rule, the case shall proceed to trial and judgment in the same manner as if the proceeding had been instituted in the transfer judicial district.

(1) If the proceeding is transferred before an information has been filed in the transferring judicial district, the attorney for the Commonwealth in the transfer judicial district shall join the charges from the transferring judicial district with the charges in the transfer judicial district in the same information.

⁸ New Rule 300 will be renumbered Rule 555 and be in new Part (D)(1) (Transfer of Multi-Venue Cases) as part of the renumbering and reorganization of the Rules of Criminal Procedure the Court adopted on March 1, 2000, effective April 1, 2001.

(2) If the proceeding is transferred after an information has been filed, the attorney for the Commonwealth in the transfer judicial district shall proceed pursuant to Rule 1127 (Joinder—Trial of Separate Indictments or Informations).⁹

(3) The results of any pretrial proceedings that have been completed in the transferring judicial district shall be binding on the transfer judicial district proceedings.

(4) Costs, not previously collected, shall be collected in the transfer judicial district.

(G) If the defendant is in custody in a transferring judicial district, the order transferring the case shall provide that the defendant shall be delivered to the custody of the sheriff of the transfer judicial district.

Comment

The Supreme Court held in *Commonwealth v. McPhail*, 692 A.2d 139 (Pa. 1997), that the trial in one judicial district of some of the charges arising from a single criminal episode may be a bar to the trial in another judicial district of the other charges arising from the same criminal episode. In view of this decision, it is incumbent upon law enforcement officers and prosecutors to be vigilant about instituting proceedings and proceeding to trial in cases in which there are multi-judicial district charges arising from a single criminal episode.

The *McPhail* decision has necessitated both a clarification of the procedures for the institution of criminal proceedings, and new procedures for the transfer of proceedings in cases in which multiple charges arising from a single criminal episode have occurred in more than one judicial district. See Rule 21(B) for the procedures for transferring charges prior to the preliminary hearing.

In many cases, multiple charges arising from a single criminal episode will be known to the police officers and attorneys for the Commonwealth involved in the case, and will be joined in the first instance in one criminal complaint, and filed before one issuing authority in one judicial district. See Rule 21(A)(3).¹⁰ However, since there may be cases in which this does not occur, and the charges are filed in more than one judicial district, new Rule 300 establishes the procedures, after such a case is held for court, for the transfer of proceedings to one judicial district. Rule 300 also governs the transfer of charges in cases in which all the charges are filed in one judicial district, but the parties or the attorneys for the Commonwealth agree that the charges should have been filed in one of the other judicial districts in which the charges occurred.

The procedures in this rule are distinct from the Rule 312 (Motion for Change of Venue or Change of Venue)¹¹ procedures for a change of venue in cases in which it is determined at a hearing that a fair and impartial trial cannot be had in the county in which the case is pending.

It is expected that the parties will be able to agree on the judicial district in which the case should proceed. However, if they cannot agree, paragraph (B)(2) provides for the determination to be by the agreement of the attorneys for the Commonwealth. In determining the

⁹ Rule 1127 will be renumbered Rule 582 as part of the renumbering and reorganization of the Rules of Criminal Procedure the Court adopted on March 1, 2000, effective April 1, 2001.

¹⁰ Rule 21 will be renumbered Rule 130 as part of the renumbering and reorganization of the Rules of Criminal Procedure the Court adopted on March 1, 2000, effective April 1, 2001.

¹¹ Rule 312 will be renumbered Rule 584 as part of the renumbering and reorganization of the Rules of Criminal Procedure the Court adopted on March 1, 2000, effective April 1, 2001.

judicial district to which the proceedings are to be transferred, the parties must consider in which judicial district it would be in the interests of justice to have the case proceed, based upon the convenience of the defendant and the witnesses, and the prompt administration of justice.

Pursuant to paragraph (B)(2), upon the filing of the agreement of the attorneys for the Commonwealth, the defendant must be served a copy of the agreement, and be given an opportunity to object to the transfer or to the judicial district selected for the trial.

When an agreement is filed pursuant to this rule, the clerk of courts must promptly transmit the agreement as provided in Rule 9022.¹²

Pursuant to paragraphs (C) and (D), the court, immediately upon receipt of the agreement, must issue a transfer order, unless the defendant challenges the transfer or the judicial district to which the case would be transferred. "Court," as used in this rule, includes the judge assigned to handle miscellaneous motions in criminal matters or the president judge, unless a judge has already been assigned to the case.

The decision to transfer a proceeding under this rule should be made at the earliest time after the case is held for court, so that most, if not all, of the pretrial proceedings can be accomplished in the transfer judicial district.

For venue between magisterial districts, see Rule 21(A).

For the procedures for the joinder of offenses in a complaint, see Rule 105.¹³

For the procedures for the joinder of offenses in an information, see Rule 228.¹⁴

For the procedures for the joinder or consolidation for trial of offenses charged in separate informations, see Rule 1127.

For the procedures for nolle prosequi, see Rule 313.¹⁵

When proceedings are transferred pursuant to this rule, the case is to proceed in the same manner as if the charges had been instituted in the transfer judicial district. If any pretrial proceedings have been conducted in the transferring judicial district, the results of those proceedings will be binding on the proceedings in the transfer judicial district. For example, if discovery has been initiated, and the judge in the transferring judicial district has ordered or denied disclosure, this order would be binding on the judge and parties in the transfer judicial district. See *Commonwealth v. Starr*, 664 A.2d 1326 (Pa. 1995), concerning the coordinate jurisdiction rule and the law of the case doctrine.

Any costs, except bail-related costs, collected before a proceeding is transferred will remain in the transferring judicial district. See Rule 4015 concerning bail-related costs.¹⁶

Official Note: Former Rule 300 rescinded June 28, 1974, effective immediately; rescinded and number re-

¹² Rule 9022 will be renumbered Rule 576 as part of the renumbering and reorganization of the Rules of Criminal Procedure the Court adopted on March 1, 2000, effective April 1, 2001.

¹³ Rule 105 will be renumbered Rule 505 as part of the renumbering and reorganization of the Rules of Criminal Procedure the Court adopted on March 1, 2000, effective April 1, 2001.

¹⁴ Rule 228 will be renumbered Rule 563 as part of the renumbering and reorganization of the Rules of Criminal Procedure the Court adopted on March 1, 2000, effective April 1, 2001.

¹⁵ Rule 313 will be renumbered Rule 585 as part of the renumbering and reorganization of the Rules of Criminal Procedure the Court adopted on March 1, 2000, effective April 1, 2001.

¹⁶ Rule 4015 will be renumbered Rule 535 as part of the renumbering and reorganization of the Rules of Criminal Procedure the Court adopted on March 1, 2000, effective April 1, 2001.

served June 29, 1977, and November 22, 1977, effective as to cases in which the indictment or information is filed on or after January 1, 1978; **new Rule 300 adopted April 20, 2000, effective July 1, 2000.**

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Committee Explanatory Reports:

Final Report explaining the provisions of the new rule published with the Court's Order at 30 Pa.B. 2219 (May 6, 2000).

CHAPTER 1100. TRIAL

Rule 1100. Prompt Trial.¹⁷

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Comment

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For purposes of determining the time for commencement of trial, paragraph (C) contains the periods which must be excluded from that calculation. **For periods of delay that result from the filing and litigation of omnibus pretrial motions for relief or other motions, see *Commonwealth v. Hill and Commonwealth v. Cornell*, 736 A.2d 578 (Pa. 1999).**

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Although a defendant's removal from the ARD program does not result in a "new trial" under paragraph (D)(3), termination of the defendant's ARD program pursuant to Rule 184 commences a new trial period for the purpose of this rule.¹⁸

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When admitted to nominal bail pursuant to this rule, the defendant must execute a bail bond. See Rules 4004 and 4005.¹⁹

In addition to requesting that the defendant waive Rule 1100 for the period of enrollment in the ARD program (see Rule 178, paragraph (3)),²⁰ the attorney for the Commonwealth may request that the defendant waive Rule 1100 for the period of time spent in processing and considering the defendant's inclusion into the ARD program.

Official Note: Rule 1100 [Adopted] adopted June 8, 1973, effective prospectively as set forth in paragraphs (A)(1) and (A)(2) of this rule; paragraph (E) amended December 9, 1974, effective immediately; paragraph (E) re-amended June 28, 1976, effective July 1, 1976; amended October 22, 1981, effective January 1, 1982. (The amendment to paragraph (C)(3)(b) excluding defense-requested continuances was specifically made effective as to continuances requested on or after January 1, 1982.) Amended December 31, 1987, effective immediately; amended September 30, 1988, effective immediately; amended September 3, 1993, effective January 1, 1994; Comment revised September 13, 1995, effective January 1, 1996. The January 1, 1996 effective date extended to April 1, 1996; the April 1, 1996 effective date extended to July 1, 1996; renumbered Rule 600 and

¹⁷ Rule 1100 will be renumbered Rule 600 as part of the renumbering and reorganization of the Rules of Criminal Procedure the Court adopted on March 1, 2000, effective April 1, 2001.

¹⁸ Rule 184 will be renumbered Rule 318 as part of the renumbering and reorganization of the Rules of Criminal Procedure the Court adopted on March 1, 2000, effective April 1, 2001.

¹⁹ Rules 4004 and 4005 will be renumbered Rules 525 and 526 respectively as part of the renumbering and reorganization of the Rules of Criminal Procedure the Court adopted on March 1, 2000, effective April 1, 2001.

²⁰ Rule 178 will be renumbered Rule 312 as part of the renumbering and reorganization of the Rules of Criminal Procedure the Court adopted on March 1, 2000, effective April 1, 2001.

amended March 1, 2000, effective April 1, 2001; **Comment revised April 20, 2000, effective July 1, 2000.**

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Committee Explanatory Reports:

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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 April 20, 2000 Comment revision concerning *Commonwealth v. Hill* and *Commonwealth v. Cornell* published with the Court's Order at 30 Pa.B. 2219 (May 6, 2000).

Rule 4015. Receipt for Deposit; Return of Deposit.²¹

(B) When the deposit is the percentage cash bail authorized by Rule 4007,²² the depositor shall be notified that by signing the bail bond, the depositor becomes a surety for the defendant and is liable for the full amount of the monetary condition in the event the defendant fails to appear or comply as required by these rules.

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(E) When a case is transferred pursuant to Rule 21(B) or Rule 300,²³ the full deposit shall be promptly forwarded to the transfer judicial district, together with any bail-related fees, commissions, or costs paid by the depositor.

Comment

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The full and final disposition of a case includes all avenues of direct appeal in the state courts. Therefore, the return of any deposits would not be required until after either the expiration of the appeal period or, if an appeal is taken, after disposition of the appeal. See Rule 4014.²⁴

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When a case is transferred pursuant to Rules 21(B) and 300, paragraph (E) and Rules 21(B) and 300 require that any bail-related fees, commissions, or costs collected pursuant to paragraph (D) be forwarded to the transfer judicial district. Fees, commissions, or costs that have been assessed but not paid at the time of transfer may not be collected in the transferring judicial district.

When bail is terminated upon acceptance of the defendant into an ARD program, such action constitutes a "full and final disposition" for purposes of this rule and Rule 4014 (Duration of Obligation). See Rule 179.²⁵

Official Note: Former Rule 4015, previously Rule 4009, adopted November 22, 1965, effective June 1, 1966; renumbered Rule 4015, former paragraph (b) integrated into paragraph (a) and new paragraph (b) adopted July 23, 1973, effective 60 days hence; rescinded September

²¹ Rule 4015 will be renumbered Rule 535 as part of the renumbering and reorganization of the Rules of Criminal Procedure the Court adopted on March 1, 2000, effective April 1, 2001.

²² Rule 4007 will be renumbered Rule 528 as part of the renumbering and reorganization of the Rules of Criminal Procedure the Court adopted on March 1, 2000, effective April 1, 2001.

²³ Rules 21 and 300 will be renumbered Rules 130 and 555 respectively as part of the renumbering and reorganization of the Rules of Criminal Procedure the Court adopted on March 1, 2000, effective April 1, 2001.

²⁴ Rule 4014 will be renumbered Rule 534 as part of the renumbering and reorganization of the Rules of Criminal Procedure the Court adopted on March 1, 2000, effective April 1, 2001.

²⁵ Rule 179 will be renumbered Rule 313 as part of the renumbering and reorganization of the Rules of Criminal Procedure the Court adopted on March 1, 2000, effective April 1, 2001.

13, 1995, effective January 1, 1996, and replaced by present Rule 4015. Present Rule 4015 adopted September 13, 1995, effective January 1, 1996. The January 1, 1996 effective dates extended to April 1, 1996; the April 1, 1996 effective dates extended to July 1, 1996; renumbered Rule 535 and amended March 1, 2000, effective April 1, 2001; **amended April 20, 2000, effective July 1, 2000.**

Committee Explanatory Reports:

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Final Report explaining new paragraph (E) concerning the interplay with Rules 21(B) and 300 published with Court's Order at 30 Pa.B. 2219 (May 6, 2000).

(Editor's Note: The following shows the amendments to new Rules 130, 134, 535, 555 and 600. The ellipses refer to the existing text of the rules found at 30 Pa.B. 1477 (March 18, 2000).)

CHAPTER 1. GENERAL PROVISIONS

PART C. Venue, Location, and Recording of Proceedings before Issuing Authority

Rule 130. Venue.

(A) VENUE

All criminal proceedings shall be brought before the issuing authority for the magisterial district [**where**] in which the offense is alleged to have occurred or before an issuing authority on temporary assignment to serve such magisterial district, subject, however, to the following exceptions:

(1) A criminal proceeding may be brought before any issuing authority of any magisterial district within the judicial district whenever the particular place within the judicial district where the offense is alleged to have occurred is unknown.

(2) **When changes arising from the same criminal episode occur in more than one magisterial district within the same judicial district, the criminal proceeding on all the charges should be brought before one issuing authority in any one of the magisterial districts in which the charges arising from the same criminal episode occurred.**

(3) **When charges arising from the criminal episode occur in more than one judicial district, the criminal proceeding on all the charges should be brought before one issuing authority in a magisterial district within any of the judicial districts in which the charges arising from the same criminal episode occurred.**

[(2)] (4) Whenever an arrest is made without a warrant for any summary offense arising under the Vehicle Code, which allegedly occurred on a highway of the Pennsylvania Turnpike System or any controlled or limited access highway, or any right-of-way of such System or highway, or any other highway or highways of the Commonwealth, the defendant shall be taken and the proceeding shall be brought either where the offense allegedly occurred, or before the issuing authority for any other magisterial district within the same judicial district which, in the judgment of the arresting officer, is most convenient to the place of arrest without regard to the boundary line of any magisterial district or county.

[(3)] (5) [**Where**] **When** any offense is alleged to have occurred within 100 yards of the boundary between two or more magisterial districts of a judicial district, the

proceeding may be brought in either or any of the magisterial districts without regard of the boundary lines of any county.

[(4)] (6) [Where] When the [President Judge] president judge designates a magisterial district or a location in that district in which certain classes of offenses, which occurred in other specified magisterial districts, may be heard.

(b) Transfer of Proceedings

(1) Prior to the completion of the preliminary hearing:

(a) When charges arising from a single criminal episode, which occurred in more than one judicial district,

(i) are filed in more than one judicial district, upon the filing with the issuing authority of a written agreement by the attorneys for the Commonwealth, the proceedings shall be transferred to the magisterial district in the judicial district selected by the attorneys for the Commonwealth; or

(ii) are filed in one judicial district, upon the filing of a written agreement by the attorneys for the Commonwealth, the proceedings shall be transferred to the magisterial district in the judicial district selected by the attorneys for the Commonwealth.

(b) When charges arising from a single criminal episode, which occurred in more than one magisterial district,

(i) are filed in more than one magisterial district, the proceedings may be transferred to the magisterial district selected by the attorney for the Commonwealth; or

(ii) are filed in one magisterial district, the proceedings may be transferred to another magisterial district selected by the attorney for the Commonwealth.

(2) The issuing authority shall promptly transmit to the issuing authority of the magisterial district to which the proceedings are being transferred a certified copy of all docket entries, together with all the original papers filed in the proceeding, a copy of the bail bond and any deposits in satisfaction of a monetary condition of bail, and a bill of the costs which have accrued but have not been collected prior to the transfer.

Comment

Except as otherwise provided in paragraph (A)(3), paragraph (A) of [This] this rule governs venue between magisterial districts within the same judicial district, i.e., the matter of where a proceeding is to be brought within the judicial district having jurisdiction.

Paragraph (A)(3), which is an exception to the general rule governing venue, was added in 2000 in view of *Commonwealth v. McPhail*, 692 A.2d 139 (Pa. 1997), in which the Court held that "all charges stemming from a single criminal episode" must be joined in a single trial "despite the fact that some of the charges arose in a different county." Accordingly, when charges arising from a single criminal episode occur in more than one judicial district, the magisterial district in which the proceeding on all the charges is brought, i.e., the one with venue,

may be any one of the magisterial districts in which the charges occurred.

Similarly, when charges arising from a single criminal episode occur in more than one magisterial district within one judicial district, the magisterial district in which the proceeding on all the charges is brought, i.e., the one with venue, may be any one of the magisterial districts in which the charges occurred.

The decision of in which magisterial district in paragraph (A)(2) or in which judicial district in paragraph (A)(3) the proceedings are to be brought is to be made initially by the law enforcement officers or attorneys for the Commonwealth. In making the decision, the law enforcement officers or attorneys for the Commonwealth must consider in which magisterial district under paragraph (A)(2) or in which judicial district under paragraph (A)(3) it would be in the interests of justice to have the case proceed, based upon the convenience of the defendant and the witnesses, and the prompt administration of justice.

See Rule 134 (Objections to Venue) for the procedures to challenge a transfer of proceedings under this rule.

See Rule 551 for the procedures to withdraw the prosecution.

See Chapter 5 Part C concerning bail.

Official Note: Formerly Rule 154, adopted January 16, 1970, effective immediately; section (a)(3) adopted July 1, 1970, effective immediately; renumbered Rule 21 September 18, 1973, effective January 1, 1974; amended July 1, 1980, effective August 1, 1980; amended January 28, 1983, effective July 1, 1983; renumbered Rule 130 and amended March 1, 2000, effective April 1, 2001; **amended April 20, 2000, effective July 1, 2000.**

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 April 20, 2000 amendments concerning multiple charges arising from a single criminal episode published with the Court's Order at 30 Pa.B. 2219 (May 6, 2000).

Rule 134. Objections to Venue.

* * * * *

Comment

An objection to venue under this rule would include a challenge to the transfer of proceedings pursuant to Rule 130(B).

Official Note: Formerly Rule 155, adopted January 6, 1970, effective immediately; renumbered Rule 25 September 18, 1973, effective January 16, 1974; amended January 28, 1983, effective July 1, 1983; renumbered Rule 134 and amended March 1, 2000, effective April 1, 2001; **amended April 20, 2000, effective July 1, 2000.**

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 April 20, 2000 amendments concerning multiple charges arising from a single criminal episode published with the Court's Order at 30 Pa.B. 2219 (May 6, 2000).

CHAPTER 5. PRETRIAL PROCEDURES IN COURT CASES

PART C(2). General Procedures in All Bail Cases

Rule 535. Receipt for Deposit; Return of Deposit.

* * * * *

(E) When a case is transferred pursuant to Rule 130(B) or Rule 555, the full deposit shall be promptly forwarded to the transfer judicial district, together with any bail-related fees, commissions, or costs paid by the depositor.

Comment

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When a case is transferred pursuant to Rules 130(B) and 555, paragraph (E) and Rules 130(B) and 555 require that any bail-related fees, commissions, or costs collected pursuant to paragraph (D) be forwarded to the transfer judicial district. Fees, commissions, or costs that have been assessed but not paid at the time of transfer may not be collected in the transferring judicial district.

* * * * *

Official Note: Former Rule 4015, previously Rule 4009, adopted November 22, 1965, effective June 1, 1966; renumbered Rule 4015, former paragraph (b) integrated into paragraph (a) and new paragraph (b) adopted July 23, 1973, effective 60 days hence; rescinded September 13, 1995, effective January 1, 1996, and replaced by present Rule 4015. Present Rule 4015 adopted September 13, 1995, effective January 1, 1996. The January 1, 1996 effective dates extended to April 1, 1996; the April 1, 1996 effective dates extended to July 1, 1996; renumbered Rule 535 and amended March 1, 2000, effective April 1, 2001; **amended April 20, 2000, effective July 1, 2000.**

Committee Explanatory Reports:

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Final Report explaining new paragraph (E) concerning the interplay with Rules 21(B) and 300 published with Court's Order at 30 Pa.B. 2219 (May 6, 2000).

(Editor's Note: The following rule is a new rule and is printed in regular type to enhance readability.)

Rule 555. Transfer of Proceedings.

(A) In all cases in which charges arising from a single criminal episode occur in more than one judicial district:

(1) If the charges are filed in more than one judicial district, at any time after the case is held for court, the proceedings shall be transferred to one of the judicial districts.

(2) If all the charges are filed in one judicial district, at any time after the case is held for court, the proceedings may be transferred to another one of the judicial districts.

(B) The judicial district to which the proceedings are to be transferred shall be determined either:

(1) by written agreement of the parties, filed with the clerk(s) of courts of the judicial district(s) in which the charges are pending; or

(2) by written agreement of the attorneys for the Commonwealth, filed with the clerk(s) of courts of the judicial district(s) in which the charges are pending, with service upon the defendant or defendant's counsel, and an opportunity for the defendant to object.

(C) Upon the filing of the agreement of the parties in paragraph (B)(1), the court promptly shall order the transfer of the proceedings.

(D) Upon the filing of the agreement of the attorneys for the Commonwealth in paragraph (B)(2),

(1) absent an objection within 10 days of filing, the court promptly shall order the transfer of the proceedings.

(2) In those cases in which an objection is filed by the defendant, the court shall promptly dispose of the objection. If the objection is denied, the court immediately thereafter shall order the transfer of the proceedings.

(E) Upon the issuance of the transfer order pursuant to paragraphs (C), (D)(1), or (D)(2), the clerk(s) of courts of the transferring judicial district(s) shall promptly transmit to the clerk of courts of the judicial district to which the proceedings are being transferred a certified copy of all docket entries, together with all the original papers filed in the proceeding in the clerk's judicial district, a copy of the bail bond and any deposits in satisfaction of a monetary condition of bail, and a bill of the costs which have accrued but have not been collected prior to the transfer.

(F) When a proceeding is transferred pursuant to this rule, the case shall proceed to trial and judgment in the same manner as if the proceeding had been instituted in the transfer judicial district.

(1) If the proceeding is transferred before an information has been filed in the transferring judicial district, the attorney for the Commonwealth in the transfer judicial district shall join the charges from the transferring judicial district with the charges in the transfer judicial district in the same information.

(2) If the proceeding is transferred after an information has been filed, the attorney for the Commonwealth in the transfer judicial district shall proceed pursuant to Rule 582 (Joinder—Trial of Separate Indictments or Informations).

(3) The results of any pretrial proceedings that have been completed in the transferring judicial district shall be binding on the transfer judicial district proceedings.

(4) Costs, not previously collected, shall be collected in the transfer judicial district.

(G) If the defendant is in custody in a transferring judicial district, the order transferring the case shall provide that the defendant shall be delivered to the custody of the sheriff of the transfer judicial district.

Comment

The Supreme Court held in *Commonwealth v. McPhail*, 692 A.2d 139 (Pa. 1997), that the trial in one judicial district of some of the charges arising from a single criminal episode may be a bar to the trial in another judicial district of the other charges arising from the same criminal episode. In view of this decision, it is incumbent upon law enforcement officers and prosecutors to be vigilant about instituting proceedings and proceeding to trial in cases in which there are multi-judicial district charges arising from a single criminal episode.

The *McPhail* decision has necessitated both a clarification of the procedures for the institution of criminal proceedings, and new procedures for the transfer of proceedings in cases in which multiple charges arising from a single criminal episode have occurred in more than one judicial district. See Rule 21(B) for the procedures for transferring charges prior to the preliminary hearing.

In many cases, multiple charges arising from a single criminal episode will be known to the police officers and attorneys for the Commonwealth involved in the case, and will be joined in the first instance in one criminal complaint, and filed before one issuing authority in one judicial district. See Rule 130(A)(3). However, since there may be cases in which this does not occur, and the charges are filed in more than one judicial district, new Rule 300 establishes the procedures, after such a case is held for court, for the transfer of proceedings to one judicial district. Rule 300 also governs the transfer of charges in cases in which all the charges are filed in one judicial district, but the parties or the attorneys for the Commonwealth agree that the charges should have been filed in one of the other judicial districts in which the charges occurred.

The procedures in this rule are distinct from the Rule 584 (Motion for Change of Venue or Change of Venire) procedures for a change of venue in cases in which it is determined at a hearing that a fair and impartial trial cannot be had in the county in which the case is pending.

It is expected that the parties will be able to agree on the judicial district in which the case should proceed. However, if they cannot agree, paragraph (B)(2) provides for the determination to be by the agreement of the attorneys for the Commonwealth. In determining the judicial district to which the proceedings are to be transferred, the parties must consider in which judicial district it would be in the interests of justice to have the case proceed, based upon the convenience of the defendant and the witnesses, and the prompt administration of justice.

Pursuant to paragraph (B)(2), upon the filing of the agreement of the attorneys for the Commonwealth, the defendant must be served a copy of the agreement, and be given an opportunity to object to the transfer or to the judicial district selected for the trial.

When an agreement is filed pursuant to this rule, the clerk of courts must promptly transmit the agreement as provided in Rule 576.

Pursuant to paragraphs (C) and (D), the court, immediately upon receipt of the agreement, must issue a transfer order, unless the defendant challenges the transfer or the judicial district to which the case would be transferred. "Court," as used in this rule, includes the judge assigned to handle miscellaneous motions in criminal matters or the president judge, unless a judge has already been assigned to the case.

The decision to transfer a proceeding under this rule should be made at the earliest time after the case is held for court, so that most, if not all, of the pretrial proceedings can be accomplished in the transfer judicial district.

For venue between magisterial districts, see Rule 21(A).

For the procedures for the joinder of offenses in a complaint, see Rule 505.

For the procedures for the joinder of offenses in an information, see Rule 563.

For the procedures for the joinder or consolidation for trial of offenses charged in separate informations, see Rule 1127.

For the procedures for nolle prosequi, see Rule 585.

When proceedings are transferred pursuant to this rule, the case is to proceed in the same manner as if the charges had been instituted in the transfer judicial district. If any pretrial proceedings have been conducted

in the transferring judicial district, the results of those proceedings will be binding on the proceedings in the transfer judicial district. For example, if discovery has been initiated, and the judge in the transferring judicial district has ordered or denied disclosure, this order would be binding on the judge and parties in the transfer judicial district. See *Commonwealth v. Starr*, 664 A.2d 1326 (Pa. 1995), concerning the coordinate jurisdiction rule and the law of the case doctrine.

Any costs, except bail-related costs, collected before a proceeding is transferred will remain in the transferring judicial district. See Rule 535 concerning bail-related costs.

Official Note: Former Rule 300 rescinded June 28, 1974, effective immediately; rescinded and number reserved June 29, 1977, and November 22, 1977, effective as to cases in which the indictment or information is filed on or after January 1, 1978; **new Rule 300 adopted April 20, 2000, effective July 1, 2000.**

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Committee Explanatory Reports:

Final Report explaining the provisions of the new rule published with the Court's Order at 30 Pa.B. 2219 (May 6, 2000).

CHAPTER 6. TRIAL PROCEDURES IN COURT CASES

PART A. General Provisions

Rule 600. Prompt Trial.

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Comment

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For purposes of determining the time for commencement of trial, paragraph (C) contains the periods which must be excluded from that calculation. **For periods of delay that result from the filing and litigation of omnibus pretrial motions for relief or other motions, see *Commonwealth v. Hill* and *Commonwealth v. Cornell*, 736 A.2d 578 (Pa. 1999).**

Under paragraph (C)(3)(a), in addition to any other circumstances precluding the availability of the defendant or the defendant's attorney, the defendant should be deemed unavailable for the period of time during which the defendant contested extradition, or a responding jurisdiction delayed or refused to grant extradition; or during which the defendant was physically incapacitated or mentally incompetent to proceed; or during which the defendant was absent under compulsory process requiring his or her appearance elsewhere in connection with other judicial proceedings.

* * * * *

Official Note: Rule 600 [Adopted] adopted June 8, 1973, effective prospectively as set forth in paragraphs (A)(1) and (A)(2) of this rule; paragraph (E) amended December 9, 1974, effective immediately; paragraph (E) re-amended June 28, 1976, effective July 1, 1976; amended October 22, 1981, effective January 1, 1982. (The amendment to paragraph (C)(3)(b) excluding defense-requested continuances was specifically made effective as to continuances requested on or after January 1, 1982.) Amended December 31, 1987, effective immediately; amended September 30, 1988, effective immediately; amended September 3, 1993, effective January 1, 1994; Comment revised September 13, 1995, effective

January 1, 1996. The January 1, 1996 effective date extended to April 1, 1996; the April 1, 1996 effective date extended to July 1, 1996; renumbered Rule 600 and amended March 1, 2000, effective April 1, 2001; **Comment revised April 20, 2000, effective July 1, 2000.**

Committee Explanatory Reports:

Report explaining the September 3, 1993 amendments published with the Court's Order at 23 Pa.B. 4492 (September 25, 1993).

Final Report explaining the September 13, 1995 Comment revision published with Court's Order at 25 Pa.B. 4116 (September 30, 1995).

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 April 20, 2000 Comment revision concerning *Commonwealth v. Hill* and *Commonwealth v. Cornell* published with the Court's Order at 30 Pa.B. 2219 (May 6, 2000).

FINAL REPORT¹

**Proposed New Pa.R.Crim.P. 300,
amendments to Pa.Rs.Crim.P. 21 and 4015, and
the revision of the *Comments* to Pa.Rs.Crim.P. 25
and 1100²**

**PROCEDURES IN CASES INVOLVING MULTIPLE
CHARGES ARISING FROM A SINGLE CRIMINAL
EPISODE OCCURRING IN MORE THAN ONE
JUDICIAL DISTRICT OR MAGISTERIAL DISTRICT**

On April 20, 2000, effective July 1, 2000, upon the recommendation of the Criminal Procedural Rules Committee, the Court adopted new Rule of Criminal Procedure 300 (Transfer of Proceedings), amended Rules 21 (Venue) and 4015 (Receipt for Deposit; Return of Deposit), and approved the revision of the Comments to Rules 25 (Objections to Venue) and 1100 (Prompt Trial). These rule changes provide uniform procedures for the institution or transfer of proceedings in cases in which there are multiple charges in more than one judicial district, or multiple charges in more than one magisterial district within one judicial district, arising from a single criminal episode. The new procedures are necessary to implement the holding in *Commonwealth v. McPhail*, 692 A.2d 139, 144 (Pa. 1997), that "the place of trial, whether within or without the county where the alleged crime occurred, is a matter of venue, not jurisdiction," and therefore, under 18 Pa.C.S. § 110, when all the charges are within the jurisdiction of a single court, and must be joined in a single trial, the trial in one judicial district of some of the charges arising from a single criminal episode is a bar to the trial in another judicial district of the other charges arising from the same criminal episode.

I. Background

Following the Court's decision in *Commonwealth v. McPhail*, 692 A.2d 139 (Pa. 1997), the Committee received several inquiries concerning the procedures for handling *McPhail*-type cases, specifically whether the various judi-

cial districts should be using Rule 312 (Motion for Change of Venue or Change of Venire),³ or some other mechanism to move cases from one judicial district to another for trial. In view of these inquiries, the Committee examined the existing Criminal Rules, and procedures in other jurisdictions governing change of venue and transfer of cases. We first looked at Rule 312, and, noting that the Rule 312 "change of venue to have a fair trial" concept has been in the rules since 1964, the consensus was that it would be confusing to the bench and bar to expand Rule 312 to include *McPhail* procedures. Looking at the rest of the rules, we concluded that the existing rules do not accommodate *McPhail*-type cases, and, in fact, may cause confusion in a *McPhail* context. See, e.g., Rule 21, which governs venue between magisterial districts. In view of our conclusions, the Committee agreed that the Criminal Rules should be amended to provide specific procedures addressing *McPhail*, and that we should approach the issue from the perspective of a transfer of proceedings that would be separate and distinct from a Rule 312 change of venue.

II. Discussion

As we discussed how to address the *McPhail* situation, the Committee recognized that there are several stages within the process that would be implicated:

- (1) cases in which charges have not yet been filed;
- (2) cases in which charges have been filed in more than one judicial district, but no preliminary hearing has been held;
- (3) cases in which the charges have been filed in more than one judicial district, and the charges have been held for court;
- (4) cases in which the charges arose in more than one judicial district, were filed in one judicial district, and it is determined before the preliminary hearing that the charges should have been filed in a different judicial district; and
- (5) cases in which the charges arose in more than one judicial district, were filed in one judicial district, and it is determined after the preliminary hearing that the charges should have been filed in a different judicial district.

We also considered that comparable issues could come up in the context of multiple offenses stemming from a single criminal episode arising within one judicial district, but in more than one magisterial district, and that the rules should address this scenario as well. In view of these considerations, the Committee agreed that there should be a new rule, Rule 300, to provide the procedures to govern *McPhail*-type cases after the charges are held for court, and that Rule 21 should be amended to govern *McPhail*-type cases prior to the preliminary hearing.

A. Pa.R.Crim.P. 21 (Venue)

One of the Committee's considerations concerning *Commonwealth v. McPhail*, *supra*, is that the case alters what has been generally accepted as the scope of venue set forth in Rule 21 (Venue). In view of this consideration, we agreed that cases falling within the parameters of *McPhail*, that is, cases in which there are multiple charges arising from a single criminal episode that are alleged to have been committed in more than one judicial district, should be included within the exceptions to the general venue rule that "all criminal proceedings shall be brought before the issuing authority for the magisterial

¹ The Committee's Final Reports should not be confused with the official Committee Comments to the rules. Also note that the Supreme Court does not adopt the Committee's Comments or the contents of the Committee's explanatory Final Reports.

² New Rule 300 will be renumbered Rule 555 and placed in new Part (D)(1) (Transfer of Multi-Venue Cases), Rule 21 will be renumbered Rule 130, Rule 25 will be renumbered Rule 134, Rule 1100 will be renumbered Rule 600, and Rule 4015 will be renumbered Rule 535, all as part of the renumbering and reorganization of the Rules of Criminal Procedure that the Court adopted on March 1, 2000, effective April 1, 2001.

³ Rule 312 will be renumbered Rule 584 as part of the renumbering and reorganization of the Rules of Criminal Procedure the Court adopted on March 1, 2000, effective April 1, 2001.

district in which the offense is alleged to have occurred," as set forth in new paragraph (A) (Venue). Under paragraph (A)(3), it is expected when the law enforcement officers or the attorneys for the Commonwealth in the respective judicial districts are aware that there are multiple charges arising from a single criminal episode, all the charges should be filed before one issuing authority in any of the judicial districts in which the charges occurred. Similarly, paragraph (A)(2) has been added to recognize, as another exception to the general venue rule, the comparable situation in which there are multiple charges arising from a single criminal episode that occur in more than one magisterial district but within the same judicial district.

The second change to Rule 21 is the addition of paragraph (B) (Transfer of Proceedings). This paragraph establishes the procedures for the transfer of proceedings in *McPhail*-type cases at any time following the filing of charges, but prior to the completion of the preliminary hearing, and was developed following the Committee's consideration of the publication responses. Although we agreed that it is preferable, in the first instance, if all the charges are filed in one judicial district, or in one magisterial district, the Committee recognized that there will be cases in which the police institute the proceedings, and the attorney(s) for the Commonwealth are not involved in the initial decision about where the charges are filed. In these cases, once the attorney(s) for the Commonwealth becomes aware of the police officers' choice, the Committee agreed that the attorney(s) for the Commonwealth, as part of his or her charging function, should be able to have the case transferred to a different judicial district or magisterial district. Rule 21 therefore includes the procedures to accomplish this transfer.

New paragraph (B)(1) provides for the transfer of the proceedings in the four different situations in which such a transfer would be deemed necessary by the attorney(s) for the Commonwealth:

- (1) when the charges are filed in more than one judicial district;
- (2) when the charges are filed in one judicial district;
- (3) when the charges are filed in more than one magisterial district; or
- (4) when the charges are filed in one magisterial district.

For a transfer to occur in cases falling within either (1) or (2), subparagraphs (B)(1)(a)(i) and (ii) require the attorneys for the Commonwealth of the respective judicial districts to file with the issuing authority a written agreement indicating the judicial district and magisterial district to which the case should be transferred. For a transfer to occur in cases falling within either (3) or (4), subparagraphs (B)(1)(b)(i) and (ii) require the attorney for the Commonwealth of the judicial district to select the magisterial district to which the case should be transferred. Paragraph (B)(2) requires the issuing authority promptly to transmit a certified copy of all docket entries, all original papers, a copy of the bail bond and any bail deposits, and a bill for uncollected costs to the issuing authority in the transfer magisterial district.

The Comment has been revised to include a citation to *Commonwealth v. McPhail*, and to provide guidance concerning in which judicial district or magisterial district the proceedings should be brought. The fourth paragraph explains that the decision should be based

upon the convenience to the defendant and witnesses, and the prompt administration of justice. The Comment also includes:

- (1) a cross-reference to Rule 25 for the procedures to challenge a Rule 21(B) transfer;
- (2) a cross-reference to Rule 151 to make it clear that the attorney for the Commonwealth may withdraw the charges as provided in Rule 151;⁴ and
- (3) a cross-reference to Rule 4015 for the authorization to forward the bail deposit, as well as any bail-related costs.

B. *New Rule 300 (Transfer of Proceedings)*⁵

New Rule 300 provides the procedures after the charges are held for court in *McPhail*-type cases

(1) for transferring proceedings that have been instituted in more than one judicial district to one judicial district; or

(2) for transferring proceedings that have been instituted in one judicial district to another judicial district.

See paragraph (A), which sets forth the scope of Rule 300.

Paragraph (B) sets forth the procedures for determining to which judicial district the proceedings should be transferred. The Committee agreed that, in many cases, the determination of the transfer judicial district will be by agreement of the parties, that is, the defendant and the attorneys for the Commonwealth. In these cases, the parties should prepare a written agreement that is filed in the judicial district(s) in which the charges are pending. See paragraph (B)(1).

The Committee also recognized there may be cases in which the attorneys for the Commonwealth will have reached an agreement without seeking input from the defendant, or the defendant and the attorneys for the Commonwealth will not be able to reach an agreement concerning the judicial district in which the case should be heard. In these cases, paragraph (B)(2) provides that the attorneys for the Commonwealth must file a written agreement with the clerk of courts in the judicial district(s) in which the charges are pending. In addition, the rule requires that the agreement be served on the defendant or defendant's attorney, and that the defendant have an opportunity to object to the transfer or to the judicial district selected for the trial.

Paragraphs (C) and (D) provide that the court must promptly order the transfer of the proceedings. Although the Committee agreed that it is within the attorney for the Commonwealth's charging function to decide in which judicial district the charges should be tried, we were concerned that, without an order from the court, the clerk of courts would not transfer the proceedings. Accordingly, the rule provides for the court's order, but the order is not subject to the discretion of the court.

In cases involving the agreement of the attorneys for the Commonwealth, the court is required to wait ten days before ordering the transfer to allow for the defendant's objection, if any. See paragraph (D)(1). When a defendant files an objection, paragraph (D)(2) requires the court to

⁴ Rule 151 will be renumbered Rule 551 as part of the renumbering and reorganization of the Rules of Criminal Procedure the Court adopted on March 1, 2000, effective April 1, 2001.

⁵ The Committee recommended numbering the new rule Rule 300, both because the number is available within Chapter 300 (Pretrial Procedures), and because these transfers could occur at any time after a case is held for court and before any of the other pretrial procedures take place. For the same reasons, Rule 300 will be in a separate part within the reorganization, new Part (D)(1) (Transfer of Multi-Venue Cases), and renumbered Rule 555.

promptly dispose of the objection, and if the objection is denied, immediately order the transfer.

Once an order transferring a proceeding is issued, paragraph (E) directs the clerk of courts of the transferring judicial district(s) to promptly transmit to the clerk of courts of the transfer judicial district all of the following:

- (1) a certified copy of all docket entries;
- (2) all the original papers filed in the proceeding in the clerk's judicial district;
- (3) a copy of the bail bond and any deposits in satisfaction of a monetary condition of bail; and
- (4) a bill of the costs that have accrued but have not been collected prior to transfer.

One issue that caused some difficulties for the Committee relates to bail. Several members were concerned that, although paragraph (E) provides that any bail deposits be transmitted to the transfer judicial district, the defendant could be assessed two sets of bail-related costs if the case is instituted in one judicial district and transferred to another judicial district. Agreeing that the defendant should not be assessed these dual costs, the Committee has included as the last paragraph of the Comment an explanation that bail-related costs collected before a proceeding is transferred are not to remain in the transferring judicial district. A new paragraph also has been added to Rule 4015 (Receipt for Deposit; Return of Deposit) requiring that the deposit and all bail-related costs be forwarded to the transfer judicial district. See Rule 4015(E).

Paragraph (F) sets forth the procedures after the case is transferred, noting that the case is to proceed in the same manner as if the proceeding had been instituted in the transfer judicial district. If the case is transferred before an information has been filed, then the charges are to be joined in the same information. See paragraph (F)(1). If the case is transferred after an information has been filed, then the case is to proceed pursuant to Rule 1127, and the informations should be joined for trial.⁶ See paragraph (F)(2). Paragraph (F)(3) makes it clear that the results of any pretrial proceedings completed in the transferring judicial district are binding on the transfer judicial district. This point is emphasized in the second to last paragraph of the Comment, with a citation to *Commonwealth v. Starr*, 664 A.2d 1326 (Pa. 1995), concerning the coordinate jurisdiction rule and the law of the case doctrine. The last provision of paragraph (F) directs that costs that have not been collected previously are to be collected in the transfer judicial district.

Finally, when the defendant in the case is in custody in a transferring judicial district, paragraph (G) requires that the order transferring the case include a provision for the delivery of the defendant to the custody of the sheriff of the transfer judicial district.

The Committee has included an extensive Comment as an aid to the bench, bar, clerks of courts, and police officers in applying the new procedures. The first three paragraphs of the Comment explain the need for the new rule, and the inter-relationship between Rule 21 and Rule 300. The first paragraph of the Comment also cautions police officers and prosecutors to be vigilant about instituting proceedings and proceeding to trial in cases in

which there are multi-judicial district charges arising from a single criminal episode.

The Comment explains that, in determining the judicial district to which the proceedings are to be transferred, "the parties must consider in which judicial district it would be in the interests of justice to have the case proceed, based upon the convenience of the defendant and the witnesses, and the prompt administration of justice." It is further explained that the decision to transfer should be made at the earliest possible time, so that as many of the pretrial proceedings as possible may be conducted in the transfer judicial district. The Comment also explains that the "court," upon receiving an agreement, is to issue a transfer order. "Court" is defined as including the president judge, or the judge assigned to handle miscellaneous motions, or the judge assigned to handle the case, whichever applies in the given judicial district.

Lastly, the Comment includes the following cross-references:

- (1) Rule 21(A) concerning venue between magisterial districts;
- (2) Rules 105, 228, and 1127 concerning joinder of offenses;⁷
- (3) Rule 313 concerning nolle prosequi⁸ to make it clear that the attorney for the Commonwealth may proceed pursuant to Rule 313 rather than Rule 300;
- (4) Rule 4015 for the procedures to forward the bail deposit, and any bail-related costs to the transfer judicial district; and
- (5) Rule 9022 (Filing),⁹ which requires the clerk of courts to docket the agreement and promptly transmit it to such persons as may be designated by the court, to ensure that the clerks of courts understand that Rule 9022 applies in Rule 300 cases.

C. Additional Correlative Changes

(1) Rule 25 (Objections to Venue)

When the Committee agreed that Rule 300(B)(2) should include a provision for the defendant to object to the transfer of the proceedings, we also considered whether it was necessary to include a comparable provision in Rule 21(B). We concluded that this was unnecessary in view of Rule 25. However, some members were concerned, because Rule 25 had been adopted before the addition of the Rule 21(B) transfer provisions, there might be some confusion about the applicability of Rule 25 to a Rule 21(B) transfer. To reduce the likelihood of such confusion, the Committee has added a clarifying statement to the Rule 25 Comment.

(2) Rule 1100 (Prompt Trial)

The final consideration for the Committee concerned the impact of the *McPhail* procedures on Rule 1100. The Committee noted that, although a defendant's objection to a *McPhail* transfer is a pretrial motion, these challenges are unique from other omnibus pretrial motions in that the determination of the issue may result in changing the county of prosecution. The members agreed that this unique posture provided justification for different treatment of these challenges within the context of Rule 1100.

⁷ Rules 105, 228, and 1127 will be renumbered Rules 505, 563, and 582 respectively as part of the renumbering and reorganization of the Rules of Criminal Procedure that the Court adopted on March 1, 2000, effective April 1, 2001.

⁸ Rule 313 will be renumbered Rule 585 as part of the renumbering and reorganization of the Rules of Criminal Procedure that the Court adopted on March 1, 2000, effective April 1, 2001.

⁹ Rule 9022 will be renumbered Rule 576 as part of the renumbering and reorganization of the Rules of Criminal Procedure that the Court adopted on March 1, 2000, effective April 1, 2001.

⁶ Rule 1127 will be renumbered Rule 582 as part of the renumbering and reorganization of the Rules of Criminal Procedure the Court adopted on March 1, 2000, effective April 1, 2001.

However, because there continue to be problems with these cases, suggesting a continuing need for rules to provide guidance to the bench and bar about how to proceed, the Committee agreed that we should undertake an in depth review of Rule 1100. Rather than delay the *McPhail* proposal, we agreed to consider Rule 1100 separately. In the interim, the Committee has included in the Rule 1100 Comment the following cross-reference to recent cases that address pretrial motions in the context of Rule 1100:

For periods of delay that result from the filing and litigation of omnibus pretrial motions for relief or other motions, see *Commonwealth v. Hill* and *Commonwealth v. Cornell*, 736 A.2d 578 (Pa. 1999).

[Pa.B. Doc. No. 00-734. Filed for public inspection May 5, 2000, 9:00 a.m.]

Title 255—LOCAL COURT RULES

BEDFORD COUNTY

Local Rule Relating to Continuances; Misc. Doc. No. 60081 for 2000

Order

And now, this 4th day of April, 2000, the Court hereby promulgates Local Rule of Court relating to continuances, Rule L 216, for Bedford County, comprising the 57th Judicial District of the Commonwealth of Pennsylvania, effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

DANIEL LEE HOWSARE,
President Judge

CONTINUANCES

Rule L 216.

Except as hereinafter set forth, all motions requesting the continuance of any matter pending in the Court of Common Pleas of Bedford County shall be in writing setting forth the reason for the continuance and whether the opposing party or parties consent to the request. Except for continuance motions which arise during the hearing of a matter, all such motions shall be presented to the Calendar Control Judge through the Court Administrator for disposition. The Calendar Control Judge shall be designated by the President Judge. Motions for continuance which arise during the hearing of the matter in question shall be ruled upon by the assigned judge.

No request for continuance presented to the Calendar Control Judge less than 48 hours before the time scheduled for the hearing of the matter in question will be granted, unless for good cause shown. Except for extraordinary circumstances, continuances will not be granted because of previously scheduled depositions, district justice hearings, or other like matters. In the event the request for continuance concerns a conflict with a matter scheduled in another court of common pleas, the request shall state which matter was scheduled first. Motions for

continuance will be granted when a conflict arises with an appellate or federal court.

[Pa.B. Doc. No. 00-735. Filed for public inspection May 5, 2000, 9:00 a.m.]

BEDFORD COUNTY

Local Rules Relating to Compulsory Arbitration; Misc. Doc. No. 60082 for 2000

Order

And now, this 4th day of April, 2000, the Court hereby promulgates Local Rules of Court relating to compulsory arbitration for Bedford County, comprising the 57th Judicial District of the Commonwealth of Pennsylvania, effective thirty (30) days after publication in the *Pennsylvania Bulletin* at which time all previously adopted local rules relating to compulsory arbitration are rescinded.

By the Court

DANIEL LEE HOWSARE,
President Judge

COMPULSORY ARBITRATION

Rule L 1301. Scope.

1. All cases which are at issue, where the amount in controversy is \$25,000.00 or less, exclusive of interest and costs, except those issues involving title to real estate, equity actions, actions upon penal statutes and other actions which do not involve the recovery of money damages only shall be submitted to and heard and decided by a board of arbitrators which shall be composed of three (3) members of the Bar of the 57th Judicial District. The amount in controversy shall be determined solely from the pleadings or by an agreement of the parties.

2. Cases which are not at issue and whether or not suit has been filed may be placed on the arbitration list by agreement of reference in writing signed by counsel for all parties in the case. Said agreement shall define the issues involved for determination by the board and, when agreeable, shall also contain stipulations with respect to facts submitted or agreed or defenses waived. In such cases, the agreement of reference shall take the place of pleadings and shall be filed of record in the Office of the Prothonotary and shall be assigned a number.

Rule L 1302. List of Arbitrators; Appointment of Board; Compensation.

1. The Prothonotary of Bedford County shall maintain a list of available arbitrators in accordance with the applicable provisions of the Rules of Civil Procedure.

2. The Prothonotary of Bedford County shall make all appointments of arbitrators in cases being submitted to compulsory arbitration, subject to the applicable provisions of the Rules of Civil Procedure.

3. The chairman of a board of arbitration shall be paid the sum of \$150.00 by the County of Bedford. Each other member shall be paid the sum of \$100.00 by the County of Bedford. In cases requiring hearing of unusual duration or involving questions of unusual complexity, the Court, on petition of the members of the board, and for cause shown, may allow additional compensation.

Rule L 1303. Hearing; Notice.

1. The person designated as the chairman of a board of arbitration shall fix the date, time and place of the

hearing and shall provide notice of the hearing in accordance with the applicable provisions of the Rules of Civil Procedure.

[Pa.B. Doc. No. 00-736. Filed for public inspection May 5, 2000, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Collection Fee and Late Payment Penalty for 2000-2001 Registration Year

Notice is hereby given of the establishment by The Disciplinary Board of the Supreme Court of Pennsylvania for the 2000-2001 registration year of the collection fee for checks in payment of the annual registration fee for attorneys that are dishonored and the late payment penalty for registrations not received on time.

Pennsylvania Rule of Disciplinary Enforcement 219(d)(2) provides that, where a check in payment of the annual registration fee for attorneys has been returned to the Board unpaid, a collection fee established annually by the Board must be paid before the annual registration fee shall be deemed to have been paid. The Board has established the collection fee for the 2000-2001 registration year as \$50.00 per returned item.

Pa.R.D.E. 219(h)(2) provides that a late payment penalty established annually by the Board must be paid by an attorney who fails to timely file an annual registration statement before the attorney shall be considered on active status for the new registration year. The Board has established the late payment penalty for the 2000-2001 registration year as \$50.00.

ELAINE M. BIXLER,
*Executive Director and Secretary
The Disciplinary Board of the
Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 00-737. Filed for public inspection May 5, 2000, 9:00 a.m.]

Notice of Transfer of Attorney to Inactive Status

Notice is hereby given that the following attorneys have been transferred to inactive status by Order of the Supreme Court of Pennsylvania dated March 17, 2000, pursuant to Rule 111(b) Pa.R.C.L.E., which requires that every active lawyer shall annually complete, during the compliance period for which he or she is assigned, the continuing legal education required by the Continuing Legal Education Board. The Order became effective April 16, 2000 for Compliance Group 2 due August 31, 1999.

Notice with respect to attorneys having Pennsylvania registration addresses, who have been transferred to inactive status by said Order, was published in the appropriate county legal journal.

Richard T. Barth
Mt. Laurel, NJ

Randy John Berholtz
San Diego, CA

William Steven Berman
Voorhees, NJ

Margaret J. Bozik
Alburt, VT

David Keith Burgess
San Diego, CA

Michael Charles Cascio
Marlton, NJ

Claire Ann Collins
Madison, NJ

Rickey Lee Crawford
Norfolk, VA

Edward R. Cummings
Washington, DC

David Kevin Cuneo
Collingswood, NJ

Betsy A. Cuthbertson
Arlington, VA

John W. Ditsler
Linden, NJ

Edward F. Eaton
Wilmington, DE

Joseph J. Finley
Princeton, NJ

Eric John Franklin
Washington, DC

Steven P. Goodell
Princeton, NJ

Carol B. Guerrero
San Francisco, CA

Bertrand Conroy Harry
Cherry Hill, NJ

Christine C. Hays
Englewood, CO

Kimberly Ann Hunter
Plainfield, NJ

Robert Lawrence Ignasiak
Fort Wayne, IN

Demery C. Johnson
Lawrenceville, NJ

Mary L. Kevlin
New York, NY

Josiah Knapp
Cherry Hill, NJ

John D. Kosylo
Turnersville, NJ

Andrew Jason Leibovitz
Haddonfield, NJ

Jessica D. Litman
Detroit, MI

Thomas R. Lochner
Williamsville, NY

Robin Mellanese Lofton
Benicia, CA

Joseph Anthony Lombardo
Cherry Hill, NJ

John Michael Makowski
Voorhees, NJ

Michael J. Maloney
Toms River, NJ

Mitchell G. Mandell
New York, NY

Vernon McGowen Jr.
Neptune, NJ

Alan M. Minato
Vineland, NJ

Catherine Ann Muldoon
Westfield, NJ

Catherine Panchou
Coral Springs, FL

John Edward Parkin
West Milford, NJ

Alanson E. Payne
Vincentown, NJ

Thomas Joseph Powell
McLean, VA

Jan Peter Quaglia
Burbank, CA

Peter P. Radetich
Buffalo, NY

George E. Roeder III
Morgantown, WV

Ethan Jesse Sheffet
South Plainfield, NJ

Marlene Koch Silverman
Miami, FL

Mark S. Snyder
Seattle, WA

Leonard J. Vecchiollo
Spotsylvania, VA

Andrew S. Viola
Runnemede, NJ

William J. Volonte
Hoboken, NJ

John A. Zagorski
Camden, NJ

Larry A. Zink
Canton, OH

ELAINE M. BIXLER,
*Executive Director & Secretary
The Disciplinary Board of the
Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 00-738. Filed for public inspection May 5, 2000, 9:00 a.m.]

Notice to Attorneys

Notice is hereby given that pursuant to Rule 221(b), Pa.R.D.E., the following List of Financial Institutions have been approved by the Supreme Court of Pennsylvania for the maintenance of fiduciary accounts of attorneys. Each financial institution has agreed to comply with the requirements of Rule 221, Pa.R.D.E. which provides for trust account overdraft notification:

ELAINE M. BIXLER,
*Executive Director and Secretary
The Disciplinary Board of the
Supreme Court of Pennsylvania*

List of Approved PA Financial Institutions

| Bank Code | A. |
|------------------|--|
| 374 | Abington Savings Bank |
| 2 | Adams County National Bank |
| 477 | Advest, Inc. |
| 302 | Allegheny Valley Bank of Pittsburgh |
| 548 | Allegiance Bank of North America |
| 24 | Allfirst |
| 375 | Altoona First Savings Bank |
| 376 | Ambler Savings and Loan Association |
| 532 | American Bank of Lehigh Valley |
| 502 | American Eagle Savings Bank, PaSA |
| 377 | Apollo Trust Company |
| 407 | Armstrong County Trust Company |
| B. | |
| 155 | Bank of Hanover & Trust Company |
| 3 | Bank of Lancaster County, N.A. |
| 415 | Bank of Landisburg (The) |
| 546 | Bank Philadelphia |
| 519 | Beaver Valley Federal Credit Union |
| 396 | Bell Federal Savings & Loan Association |
| 397 | Beneficial Mutual Savings Bank |
| 399 | Bernville Bank, N.A. |
| 391 | Blue Ball National Bank |
| 520 | Boston Safe Deposit & Trust Company |
| 392 | Brentwood Savings Bank |
| 495 | Brown Brothers Harriman & Co. |
| 161 | Bryn Mawr Trust Company |
| C. | |
| 540 | C & G Savings Bank |
| 480 | Cambria County Federal Savings & Loan Assoc. |
| 393 | Carnegie Savings Bank |
| 11 | Central Bank |
| 13 | Cenwest Bank |
| 394 | Charleroi Federal Savings Bank |
| 238 | Citizens and Northern Bank |
| 395 | Citizens Bank and Trust Company |
| 352 | Citizens National Bank of Ashland |
| 15 | Citizens National Bank - Evans City |
| 328 | Citizens National Bank of Lansford |
| 420 | Citizens National Bank - Myersdale |
| 177 | Citizens National Bank of Southern PA |
| 206 | Citizens Savings Association |
| 353 | Citizens Trust Company |
| 16 | Clearfield Bank & Trust Co. |
| 354 | Coatesville Savings Bank |
| 17 | Columbia County Farmers National Bank |
| 250 | Commerce Bank, PA, NA |
| 18 | Commerce Bank/Harrisburg, NA |
| 223 | Commercial National Bank of Pennsylvania |
| 522 | Commonwealth Bank |
| 310 | Community Bank & Trust Company |
| 542 | Community Bank of Chester County |
| 21 | Community Bank, National Association |
| 204 | Community Banks National Association |
| 533 | Community First Bank, N.A. |
| 430 | Community National Bank of Northwestern PA |
| 132 | Community State Bank of Orbisonia |
| 379 | Corry Savings Bank |
| 23 | County National Bank |
| 380 | County Savings Association |
| 381 | Crusader Bank |
| 382 | C S B Bank |

| | | | |
|-----|--|-----|---|
| | D. | 198 | First National Bank of Minersville (The) |
| | | 524 | First National Bank of New England |
| 25 | Deposit Bank | 47 | First National Bank of Newport (The) |
| 339 | Dime Bank (The) | 426 | First National Bank of Palmerton (The) |
| 27 | Dollar Bank | 48 | First National Bank of Pennsylvania |
| 239 | Downingtown National Bank | 427 | First National Bank of Port Alleghany (The) |
| 222 | Drovers Bank (The) | 428 | First National Bank of Slippery Rock (The) |
| 423 | Dwelling House Savings & Loan Association | 321 | First National Bank of Spangler (The) |
| | | 52 | First National Bank of West Chester (The) |
| | E. | 175 | First National Community Bank |
| | | 549 | First National Community Bank - Midland |
| 357 | Eagle National Bank | 54 | First National Trust Bank |
| 424 | East Penn Bank | 170 | First Penn Bank |
| 358 | East Prospect State Bank | 378 | First Pennsylvania Savings Association |
| 340 | East Stroudsburg Savings Association | 220 | First Republic Bank |
| 500 | Elderton State Bank | 40 | First Savings Bank of Perkasie |
| 541 | Enterprise Bank | 349 | First Star Savings Bank |
| 28 | Ephrata National Bank (The) | 158 | First Summit Bank |
| 383 | ESB Bank, F.S.B. | 338 | First Union National Bank |
| | | 408 | First United National Bank |
| | F. | 325 | FirstService Bank |
| | | 151 | Firsttrust Savings Bank |
| 384 | Farmers & Merchants Bank - Honesdale | 493 | FNB Bank, N.A. |
| 31 | Farmers & Merchants Trust Company | 282 | Founders' Bank |
| 30 | Farmers First Bank | 291 | Fox Chase Federal Savings Bank |
| 436 | Farmers National Bank of Kittanning | 241 | Franklin Mint Federal Credit Union |
| 205 | Farmers National Bank of Emlenton | 58 | Fulton Bank |
| 34 | Fidelity Deposit & Discount Bank | 59 | Fulton County National Bank & Trust Company |
| 343 | Fidelity Savings and Loan of Bucks County | | |
| 311 | Fidelity Bank | | G. |
| 385 | First American National Bank of PA | | Glen Rock State Bank |
| 389 | First Bank of Leechburg | 506 | Grange National Bank of Wyoming County |
| 332 | First Capitol Bank | 409 | Gratz National Bank (The) |
| 174 | First Citizens National Bank | 499 | Great American Federal Savings & Loan Association |
| 191 | First Columbia Bank & Trust Co. | 401 | Great Valley Savings Bank |
| 539 | First Commonwealth Trust Company | | Greenville Savings Bank |
| 523 | First County Bank | 400 | Guaranty Bank, National Association |
| 390 | First Federal Bank | 498 | |
| 369 | First Federal Savings & Loan Assoc. of Bucks County | 193 | |
| 437 | First Federal Savings & Loan Assoc. of Carnegie | | H. |
| 504 | First Federal Savings & Loan Assoc. of Greene County | 402 | Halifax National Bank |
| 388 | First Federal Savings Bank | 244 | Hamlin Bank and Trust Company |
| 432 | First Federal Savings Bank of Kane | 64 | Harleysville National Bank and Trust Company |
| 370 | First Financial Bank | 362 | Harrisville Savings Bank |
| 318 | First Heritage Bank | 65 | Harris Savings Bank |
| 525 | First Heritage Federal Credit Union | 501 | Harrisburg BELCO, Federal Credit Union |
| 228 | First Keystone Federal Savings Bank | 363 | Hatboro Federal Savings |
| 371 | First Liberty Bank & Trust | 410 | Herndon National Bank (The) |
| 263 | First Merit, N.A. | 411 | Hoblitzell National Bank |
| 51 | First National Bank & Trust Co. of Newtown (The) | 176 | Hollidaysburg Trust Company |
| 416 | First National Bank in Fleetwood (The) | 68 | Honesdale National Bank (The) |
| 42 | First National Bank of Berwick (The) | 350 | HSBC Bank of USA |
| 216 | First National Bank of Bradford County (The) | 508 | Huntingdon National Bank of PA |
| 138 | First National Bank of Canton | 364 | Huntingdon Valley Federal Savings & Loan Assoc. |
| 246 | First National Bank of Centre Hall (The) | | |
| 421 | First National Bank of Fredericksburg | | I. |
| 275 | First National Bank - Garrett | | Indiana First Savings Bank |
| 322 | First National Bank of Greencastle | 365 | Iron and Glass Bank |
| 165 | First National Bank of Herminie (The) | 200 | Iron Workers Savings Bank |
| 182 | First National Bank of Leesport (The) | 526 | Irwin Bank & Trust Company |
| 417 | First National Bank of Lilly (The) | 366 | |
| 418 | First National Bank of Liverpool (The) | | J. |
| 43 | First National Bank - Marysville | | Jefferson Bank |
| 44 | First National Bank of McConnellsburg (The) | | Jersey Shore State Bank |
| 46 | First National Bank of Mercersburg (The) | 143 | |
| 419 | First National Bank of Mifflintown (The) | 70 | |

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|-----|---|-----|---|
| 127 | Jim Thorpe National Bank | 489 | OMEGA Federal Credit Union |
| 488 | Jonestown Bank and Trust Company | 94 | Orrstown Bank |
| 72 | Juniata Valley Bank (The) | | |
| | K. | | P. |
| 403 | Keystone Savings Bank | 267 | Parkvale Savings Bank |
| 57 | Keystone Financial Bank, N.A. | 512 | Patriot Bank |
| 414 | Kishacoquillas Valley National Bank (The) | 96 | Penn Central National Bank |
| | | 97 | Penn Security Bank & Trust Company |
| | | 544 | Pennsylvania Business Bank |
| | L. | 320 | Pennsylvania Capital Bank |
| 404 | LA Bank, National Association | 441 | Pennsylvania Savings Bank |
| 74 | Lafayette Ambassador Bank | 445 | Pennsylvania State Bank |
| 75 | Laurel Bank | 442 | Pennview Savings Bank |
| 76 | Laurel Savings Bank | 99 | PeoplesBank, A Codorus Valley Company |
| 187 | Lebanon Valley Farmers | 446 | Peoples Bank of Jennerstown |
| 547 | Legacy Bank | 185 | Peoples Bank of Oxford (The) |
| 78 | Luzerne National Bank | 188 | Peoples Bank of Western Pennsylvania |
| | | 154 | Peoples Home Savings Bank |
| | | 482 | Peoples National Bank of Rural Valley (The) |
| | M. | 447 | Peoples National Bank of Susquehanna County |
| 269 | Madison Bank | 444 | Peoples Savings Bank |
| 398 | Main Street Bank | 491 | Peoples State Bank (The) |
| 386 | Malvern Federal Savings Bank | 443 | Peoples Thrift Savings Bank |
| 412 | Manor National Bank | 131 | PFC Bank |
| 361 | Manufacturers and Traders Trust Company | 448 | Phoenixville Federal Savings |
| 510 | Marion Center National Bank | 168 | Pioneer American Bank, N.A. |
| 387 | Marquette Savings Bank | 453 | Pittsburgh Home Savings Bank |
| 81 | Mars National Bank (The) | 79 | PNC Bank, National Association |
| 367 | Mauch Chunk Trust Company | 534 | Pocono Community Bank |
| 368 | Mechanics Savings and Loan, FSA | 528 | Polonia Bank |
| 5 | Mellon Bank, N.A. | 449 | Port Richmond Savings |
| 413 | Merchants Bank of PA | 454 | Portage National Bank |
| 192 | Merchants National Bank of Bangor (The) | 450 | Premier Bank |
| 478 | Merchants National Bank of Kittanning | 455 | Prestige Bank, FSB |
| 294 | Mid Penn Bank | 202 | Progress Federal Savings Bank |
| 511 | Mifflin County Savings Bank | 451 | Progressive Home Federal |
| 276 | Mifflinburg Bank & Trust Company | 456 | Prudential Savings Bank |
| 345 | Minersville Safe Deposit Bank and Trust Company | 530 | PSB |
| 346 | Morton Savings and Loan Association | | |
| 484 | Muncy Bank & Trust Company (The) | 107 | Quakertown National Bank (The) |
| | N. | | Q. |
| 440 | National Bank of Commerce | 109 | Reeves Bank |
| 433 | National Bank of Malvern | 487 | Reliable Bank, PaSA |
| 435 | National Bank of North East | 452 | Reliance Savings Bank |
| 337 | National City Bank of Pennsylvania | 463 | Rittenhouse Trust Company (The) |
| 88 | National Penn Bank | 496 | Roxborough Manayunk Federal Savings Bank |
| 157 | Nazareth National Bank | 208 | Royal Bank of Pennsylvania |
| 527 | NBOC | | |
| 347 | Neffs National Bank (The) | | S. |
| 372 | Nesquehoning Savings Bank | | S&T Bank |
| 536 | New Century Bank | 153 | Savings and Loan Association of Milton |
| 434 | New Tripoli National Bank (The) | 457 | Schuylkill Savings & Loan Association |
| 90 | NOR-CAR Federal Credit Union | 514 | Scottdale Bank & Trust Company (The) |
| 492 | North Penn Savings & Loan Association | 464 | Second Federal Savings & Loan Assoc. of Philadelphia |
| 92 | Northern Central Bank | 460 | Second National Bank of Masontown |
| 543 | Northern State Bank | | Security National Bank |
| 373 | Northside Bank | 335 | Security Savings Association of Hazleton |
| 439 | Northumberland National Bank | 147 | Sentry Federal Credit Union |
| 93 | Northwest Savings Bank | 461 | Sharon Savings Bank |
| | | 516 | Sky Bank |
| | O. | 458 | Slovenian Savings & Loan Assoc. of Franklin—Conemaugh |
| 348 | Old Forge Bank | 12 | |
| 323 | Omega Bank, NA | 462 | |

| | | | |
|-----|---|-----|--|
| 459 | Smithfield State Bank | | V. |
| 10 | Snyder County Trust Co. | | |
| 486 | Somerset Trust Company | 136 | Vartan National Bank |
| 469 | Spring Hill Savings Bank, FSB | | |
| 111 | Southwest National Bank of PA | | W. |
| 316 | Sovereign Bank, FSB | | |
| 465 | St. Edmond's Savings and Loan Association | 119 | Washington Federal Savings Bank |
| 518 | Standard Savings Bank | 121 | Wayne Bank |
| 529 | Suburban Community Bank | 122 | West Milton State Bank |
| 466 | Suburban Federal Savings Bank | 494 | West View Savings Bank |
| 485 | Summit Bank | 473 | Westmoreland Federal Savings and Loan Assoc. of Latrobe |
| 517 | Sun Bank | 476 | William Penn Savings and Loan Association |
| 236 | Swineford National Bank | 123 | Williamsport National Bank |
| | T. | 474 | Willow Grove Bank |
| 26 | Third Federal Savings Bank | 160 | Wilmington Trust of PA |
| 150 | Three Rivers Bank & Trust Company | 272 | Woodlands Bank |
| 467 | Turbotville National Bank (The) | | X. |
| 313 | Twin Rivers Community Bank | | |
| | U. | | Y. |
| | | 537 | York Federal Savings and Loan Association |
| 113 | Union Bank and Trust Company | | Z. |
| 481 | Union Building and Loan Savings Bank | | |
| 232 | Union National Bank & Trust Co. | | |
| 483 | Union National Bank of Mount Carmel (The) | | |
| 133 | Union National Bank of Mount Joy | | |
| 243 | Unitas National Bank | | |
| 472 | United Bank of Philadelphia | | |
| 475 | United Savings Bank | | |
| 116 | US Bank | | |

[Pa.B. Doc. No. 00-739. Filed for public inspection May 5, 2000, 9:00 a.m.]