

Laser Fax

Modification 5
Modification 5.38
September 29, 2006

The changes described in this laser fax are effective October 1.

SALE OF TOBACCO

Additional functionality has been added to the MDJS to better track violations of 18 Pa.C.S. §6305(a).

During the case docketing process, when a charge of either 18 Pa.C.S. §6305(a)(1) or 18 Pa.C.S. §6305(a)(2) is recorded on the initial charge screen, a pop-up window will appear after you complete the interested party screen of the defendant. The pop-window will prompt you to record the retailer's cigarette license number that should be provided to you on either the citation or complaint. If the number is not provided or is not known at the time of case docketing, leave the input field blank and press ENTER to continue. This same pop-window will later display on the final charge screen, when you record the final charge disposition. At that time, you can correct the previously recorded retailer's cigarette license number, record the number for the first time, or leave it blank, if still unknown to you.

The final charge screen has another new field to record whether the defendant raised an affirmative defense at the trial. The Magisterial District Judge will need to inform you of the answer at the conclusion of the trial. The affirmative defense response is either Y for Yes or N for No. This information will be electronically transmitted to the Pennsylvania Department of Revenue.

Transmitting the affirmative defense is important because retailers who have taken steps to train their employees to avoid sales to minors and who can prove that they have implemented an employee training policy on tobacco sales which meets the standards set forth in 18 Pa.C.S. §6305(f) may raise this affirmative defense up to three times at each retail location during any 24-month period. Once a retailer no longer has this affirmative defense available, they will face a suspension of their cigarette license on their third subsequent conviction, and revocation on their fourth. You do not need to be concerned with tracking the number of times the affirmative defense has been used; this is done by the Department of Revenue.

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CASE CREATION EDITS

In an effort to prevent filing and clerical errors that impact PennDOT records and CPCMS data, the MDJS will now verify that the charging offense is being docketed with the correct case type.

- ? A charge that is statutorily graded higher than a summary offense will no longer be allowed to be docketed on a traffic case type (TR).
- ? You will be prevented from using the disposition Moved to Traffic (MVTR) if the violation is not from the motor vehicle code (Title 75).
- ? You will be prevented from using the disposition Moved to Nontraffic (MVNT) if the violation is found within the motor vehicle code (Title 75).

AUTHORIZED AGENT - PA.R.C.P.M.D.J. No. 207.1

Effective October 1, 2006, upon recommendation of the Minor Court Rules Committee, the Supreme Court of Pennsylvania adopted Rule 207.1 of the Rules of Conduct, Office Standards and Civil Procedure for Magisterial District Judges. As a result, changes have been made to the MDJS which include a new form and new interested party types.

The new Rule provides that a party appearing before a magisterial district court be given an opportunity to be represented by a non-lawyer representative, employee, or agent who has personal knowledge of the subject matter of the litigation. Written authorization is required and must be filed with the court before the non-lawyer representative, employee, or authorized agent may take any action on behalf of the party.

Form AOPC 317 (Authorization of Representative) is available on the Blank Forms Menu. The plaintiff or defendant must complete this form as written authorization for non-attorney representation.

Two new IP types have been added to the MDJS.

ARDF – Authorized Agent Defendant

ARPF – Authorized Agent Plaintiff

If you maintain either of these interested parties, they will also receive copies of MDJS forms.

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SCHEDULED DOWNTIME

The MDJS will be unavailable on Monday morning from 5 am until 7 am (October 2nd). If you anticipate doing MDJS work during this downtime, please make sure you have a sufficient supply of blank forms.

IRS FORM

As a reminder, you are required to file IRS Form 8300 when cash bail is accepted in excess of \$10,000 for controlled substances, racketeering or money laundering offenses. The form can be found on the IRS web site.