

RULE [22] 131. LOCATION OF PROCEEDINGS BEFORE ISSUING AUTHORITY.

[(a)] (A) An issuing authority within the magisterial district for which he is elected or appointed shall have jurisdiction and authority at any time other than during his established office hours to receive complaints, issue warrants, hold preliminary arraignments, fix and take bail and issue commitments to jail at his residence within the magisterial district, but all hearings and trials before such issuing authority shall be held publicly at his established office, or at another location, within or without the magisterial district, designated by the President judge, unless an emergency exists or the number of persons lawfully assembled and entitled to be present is too great to be accommodated in such place, in which event the hearing or trial may be adjourned as quickly as may be, to a suitable place, within the magisterial district.

[(b)] (B) The President Judge shall, where local conditions require, establish procedures whereby, in all or certain classes of cases, preliminary hearings may be held at a central place or places within the Judicial District at certain specified times. The procedures established shall provide either for the transfer of the case or the transfer of the issuing authority to the designated central place as the needs of justice and efficient administration require. When the defendant or his counsel and the attorney for the Commonwealth agree, the preliminary hearing shall be held at the established office of the issuing authority who received the complaint.

COMMENT: Paragraph **[(b)] (B)** of this rule is intended to facilitate compliance with the requirement that defendants be represented by counsel at the preliminary hearing. *Coleman v. Alabama*, 399 US 1, 90 S.Ct. 1999 (1970).

This rule allows the President Judge of a Judicial District the discretion to determine what classes of cases require centralized preliminary hearings and requires him to establish a schedule of central places to conduct such hearings and the hours thereof.

Ideally, this rule should minimize the inconvenience to defense counsel and the attorney for the Commonwealth by eliminating the necessity of travel at various unpredictable times to many different locations throughout the Judicial District for the purpose of attending preliminary hearings. However, where it is convenient to hold the preliminary hearing in the magisterial district where the case arose, the rule allows the party to so stipulate. Finally, this rule allows preliminary hearings for jailed defendants to be held at a location close to the place of detention.

NOTE: Formerly Rule 156, paragraph (a) adopted January 16, 1970, effective immediately; Paragraph (a) amended and paragraph (b) adopted November 22, 1971, effective immediately; renumbered **Rule 22** September 18, 1973, effective January 1, 1974 [.] ; **renumbered Rule 131 and amended March 1, 2000, effective April 1, 2001.**

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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 Pa.B. (, 2000).