

RULE [55] **405**. ISSUANCE OF CITATION.

When a criminal proceeding in a summary case is instituted by issuing a citation to the defendant, the law enforcement officer who issues the citation shall exhibit some sign of authority.

COMMENT: A law enforcement officer may issue a citation based upon information that the defendant has committed a summary violation, which information may be received from a personal observation of the commission of the offense; a witness; another police officer; investigation; or speed-timing equipment, including radar. *Contrast Commonwealth v. Hatfield*, 453 A.2d 671 (Pa. Super. 1982), decided before the adoption of previous Rule 70 (Defects in Form, Content, or Procedure - Summary Cases) and the 1983 revision of the previous *Comment*.

It is preferable that a law enforcement officer making a stop for a traffic violation be in uniform.

The use of a field acknowledgment of guilt pursuant to Section 926 of the Game and Wildlife Code, 34 Pa.C.S. § 926, and Section 925 of the Fish and Boat Code, 30 Pa.C.S. § 925, should not be construed as the issuance of a citation for the purpose of instituting a summary case under these rules. See Rule [60] **410**.

NOTE: Previous rule, originally numbered Rule 135, adopted January 31, 1970, effective May 1, 1970; renumbered Rule 55 September 18, 1973, effective January 1, 1974; rescinded July 12, 1985, effective January 1, 1986, and replaced by present Rule [58] **408**. Present Rule 55 adopted July 12, 1985, effective January 1, 1986. The January 1, 1986 effective dates are all extended to July 1, 1986; *Comment* revised February 11, 1989, effective July 1, 1989; *Comment* revised January 16, 1996, effective immediately [.] ; **renumbered Rule 405 and Comment revised March 1, 2000, effective April 1, 2001.**

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**COMMITTEE EXPLANATORY REPORTS:**

**Report explaining the January 16, 1996 Comment revisions published with the Court's Order at 26 Pa.B. 437 (February 3, 1996).**

**Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court's Order at Pa.B. (\_\_\_\_\_, 2000).**