

## FINAL REPORT<sup>1</sup>

### *Amendments to Pa.R.Crim.P. 105 (Local Rules)*

#### **LOCAL RULES**

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On January 30, 2009, effective February 1, 2009, upon the recommendation of the Criminal Procedural Rules Committee, the Court amended Rule 105 (Local Rules) to:

- require, contemporaneously with publishing in the *Pennsylvania Bulletin*, that all new local rules and local rule amendments be published on the Court's website;
- change the number of copies the judicial district is required to send to the AOPC from seven to one; and
- clarify the requirements when publishing in the *Pennsylvania Bulletin*.

The impetus for these rule changes is the Administrative Office of Pennsylvania Court's ("AOPC") ongoing local rules project to provide all local rules on the Court's web page and the January 25, 2008 amendments to Rule 105, effective February 1, 2009, that require, before a local rule may be published and effective and enforceable, the proposed local rule must be submitted in writing to the Committee for review.

#### **DISCUSSION**

Correlative with the January 25, 2008 amendments to Rule 105 requiring the judicial districts to submit all new local rules and local rule amendments to the Committee for prior approval, the AOPC started working on an upgrade to the local rules web site to include local Criminal Rules. As the first step in this upgrade, the AOPC added all the statewide Criminal Rules to the new web site. The next step is for

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<sup>1</sup> 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*.

the new and amended local rules to be added to the web site.<sup>2</sup> To ensure the judicial districts comply with publishing on the web site, the Committee and the AOPC automation staff agreed that Rule 105 should be amended to include the requirement that local criminal rules be published on the web site. Accordingly, Rule 105(F) has been amended to require, “contemporaneously with publishing the local rule in the *Pennsylvania Bulletin*,” that “the adopting court” publish the local rule on the Court’s web page. The Rule 105 *Comment* includes an elaboration about the Court’s local rule web pages with the links to both sites.

In addition to working on this change, the Committee has been discussing with the AOPC and the Court’s other advisory Committees the requirement that the judicial districts submit seven copies of new or amended local rules to the AOPC. When the AOPC receives these seven copies, currently they distribute copies to the advisory committees. We agreed that it is no longer necessary for the AOPC to receive seven copies since all the Committees receive copies of the relevant local rules directly from the judicial districts, and all local rules are published in the *Pennsylvania Bulletin*. In view of this, the Rule 105(F) amendments include the requirement that the AOPC receive only one copy of local criminal rule changes.

Finally, Rule 105(E) has been amended to provide that, in lieu to using a diskette, a judicial district may submit the local rule to the *Pennsylvania Bulletin* on a CD ROM.

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<sup>2</sup> Ideally, all local criminal rules should be on the Court’s web site. However, the requirement will begin with the local rules that are amended or adopted after receiving the Committee’s approval only. The new process will be monitored for a period of time before any decision is made concerning requiring all local criminal rules be added.