

RULE **[6] 105**. LOCAL RULES.

[(a)] (A) For the purpose of this rule, the term "local rule" shall include every rule, regulation, directive, policy, custom, usage, form or order of general application, however labeled or promulgated, which is adopted or enforced by a court of common pleas to govern criminal practice and procedure.

- [(b)] (B)**
- (1) Local rules shall not be inconsistent with any general rule of the Supreme Court or any Act of Assembly.
 - (2) Local rules shall be given numbers that are keyed to the number of the general rules to which the local rules correspond.

[(c)] (C) To be effective and enforceable:

- (1) A local rule shall be in writing.
- (2) Seven certified copies of the local rule shall be filed by the court promulgating the rule with the Administrative Office of Pennsylvania Courts.
- (3) Two certified copies of the local rules shall be distributed by the court promulgating the rule to the Legislative Reference Bureau for publication in the Pennsylvania Bulletin.
- (4) One certified copy of the local rule shall be filed by the court promulgating the rule with the Criminal Procedural Rules Committee.
- (5) The local rules shall be kept continuously available for public inspection and copying in the office of the prothonotary or clerk of court. Upon request and payment of reasonable costs of reproduction and mailing, the prothonotary or clerk shall furnish to any person a copy of any local rule.
- (6) A local rule promulgated before the effective date of this rule shall be filed on or before that effective date with the prothonotary or clerk of court and shall be kept by the prothonotary or clerk for inspection, copying, and furnishing as provided in subparagraph **[(c)] (C)**(5).

[(d)] (D) A local rule shall become effective not less than **[thirty] 30** days after the date of publication of the rule in the Pennsylvania Bulletin.

[(e)] (E) The Criminal Procedural Rules Committee may at any time recommend that the Supreme Court suspend, vacate, or require amendment of a local rule and may suspend that local rule pending action by the Court on that recommendation.

COMMENT: The policy of the Supreme Court as declared in the Order promulgating this rule is "to implement the unified judicial system under the Constitution of 1968, to facilitate the statewide practice of law under this Court's general rules, and to promote the further policy that a general rule of criminal procedure normally preempts the subject covered." In accordance with the Court's policy, it is intended that local rules should not repeat general rules or statutory provisions verbatim or substantially verbatim nor should local rules make it difficult for attorneys to practice law in several counties.

The caption of other words used as a label or designation shall not determine whether something is or establishes a local rule; if the definition in paragraph **[(a)] (A)** of this rule is satisfied the matter is a local rule regardless of what it may be called. The provisions of this rule are also intended to apply to any amendments to a "local rule."

To simplify the use of local rules, local criminal rules are required to be given numbers that are keyed to the number of the general criminal rules to which the local rules correspond. This requirement is not intended to apply to local rules **[which] that** govern the general business of the court and which do not correspond to a general criminal rule.

It is contemplated under subparagraph **[(c)] (C)**(5) that a separate consolidated set of local rules shall be maintained in the prothonotary's or clerk's office.

Although under paragraph **[(d)] (D)** a local rule shall not be effective until at least 30 days after the date of publication in the *Pennsylvania Bulletin*, when a situation arises that requires immediate action, the local court may act by

specific orders governing particular cases in the interim before an applicable local rule becomes effective.

NOTE: **Rule 6 [A]** adopted January 28, 1983, effective July 1, 1983; amended May 19, 1987, effective July 1, 1987 [.] ; **renumbered Rule 105 and amended March 1, 2000, effective April 1, 2001.**

* * * * *

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).