

RULE **[66] 421**. PROCEDURE FOLLOWING FILING OF COMPLAINT -- ISSUANCE OF SUMMONS.

Upon filing of a complaint, the issuing authority shall decide whether to issue process. If the issuing authority decides to issue process, a summons shall be issued, unless the issuing authority has reasonable grounds to believe that the defendant will not obey a summons, in which case an arrest warrant shall be issued. The summons shall be served as provided in these rules. A copy of the complaint shall be served with the summons.

COMMENT: [This rule, together with Rule 65, replaces previous Rule 51A(4).]

The district attorney may in the district attorney's discretion require review of any summary complaint prior to its being submitted to the issuing authority. The district attorney must undertake such review in court cases under Rule **[106] 506**.

No fine or costs should be specified in the summons in cases in which the issuing authority determines that there is a likelihood of imprisonment.

NOTE: Previous rule, originally numbered Rule 139, adopted January 31, 1970, effective May 1, 1970; renumbered **[as]** Rule 66 September 18, 1973, effective January 1, 1974; rescinded July 12, 1985, effective January 1, 1986, and not replaced in the present rules. Present Rule 66 **[,]** adopted July 12, 1985, effective January 1, 1986; January 1, 1986 effective date extended to July 1, 1986; *Comment* revised February 1, 1989, effective July 1, 1989; *Comment* revised August 9, 1994, effective January 1, 1995 **[.] ; renumbered Rule 421 and *Comment* revised March 1, 2000, effective April 1, 2001.**

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COMMITTEE EXPLANATORY REPORTS:

Report explaining the August 9, 1994 Comment revisions published at 22 Pa.B. 6 (January 4, 1992); Final Report published with the Court's Order at 24 Pa.B. 4342 (August 27, 1994).

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