

RULE **[56] 406**. PROCEDURE FOLLOWING ISSUANCE OF CITATION.

Within **[five (] 5 [)]** days after a citation is issued to the defendant, the original shall be filed with the proper issuing authority.

COMMENT: **[This rule replaces previous Rule 54(b).]**

These rules are not intended to require the law enforcement officer who issued the citation to personally file the original citation.

It is intended that the original citation be filed as soon as is practical so the issuing authority may process the case. However, failure to comply with the five day limit is not intended to be grounds for dismissal, unless the defendant is prejudiced by the delay. See Rule **[90] 109**.

With regard to the "proper" issuing authority as used in these rules, see Rule **[21] 130**.

NOTE: Previous rule, originally numbered Rule 137, adopted January 31, 1970, effective May 1, 1970; renumbered **[as] Rule 56** and paragraph (d) amended September 18, 1973, effective January 1, 1974; rescinded July 12, 1985, effective January 1, 1986; and replaced by present Rule **[59] 409**. Present Rule 56 adopted July 12, 1985, effective January 1, 1986. The January 1, 1986 effective dates all are extended to July 1, 1986 **[.]** ; **renumbered Rule 406 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).