

FINAL REPORT¹

Amendments to Pa.R.Crim.P. 103 (Definitions)

PHILADELPHIA ARRAIGNMENT COURT MAGISTRATE

On May 6, 2009, effective immediately, upon the recommendation of the Criminal Procedural Rules Committee, the Court amended Rule 103 (Definitions) changing the term “bail commissioner” to “arraignment court magistrate” in the definitions of “bail authority” and “issuing authority” in view of Act 98 of 2008.

On October 9, 2008, Governor Rendell signed into law Act 98 of 2008 that changed the term “bail commissioner” to “arraignment court magistrate,” effective December 8, 2008. Because “bail commissioner” is used extensively in the Rules of Criminal Procedure, the references to “bail commissioner” are being changed to “arraignment court magistrate” to avoid confusion to the members of the bench, bar, and public.

The first step is the amendment of the definitions of “bail authority” and “issuing authority” in Rule 103. Accordingly, in conformance with Act 98 of 2008, the term “Philadelphia bail commissioner” has been replaced with the new term “Philadelphia arraignment court magistrate.” This change is explained in the Rule 103 *Comment* with a cross-reference to Act 98 of 2008. The *Comment* also includes a reference to the Supreme Court’s Order, No. 329 Judicial Administration Docket No. 1, providing, *inter alia*, that all references to “bail commissioner” in the court rules will be deemed “arraignment court magistrate.” With this amendment to Rule 103 and the Court’s Order, the Court will be able to proceed in an orderly manner to change all the other references to “bail commissioner” by making the changes when a rule is being amended for some other reason.

¹ 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*.