

RULE [53] 403. CONTENTS OF CITATION.

(A) Every citation shall contain:

- (1) the name and address of the organization, and badge number, if any, of the law enforcement officer;
- (2) the name and address of the defendant;
- (3) a notation if the defendant is a juvenile and whether the parents or guardians have been notified of the charge(s);
- (4) the date and time when the offense is alleged to have been committed, provided however, if the day of the week is an essential element of the offense charged, such day must be specifically set forth;
- (5) the place where the offense is alleged to have been committed;
- (6) a citation of the specific section and subsection of the statute or ordinance allegedly violated, together with a summary of the facts sufficient to advise the defendant of the nature of the offense charged;
- (7) the date of issuance;
- (8) a notation if criminal laboratory services are requested in the case;
- (9) a verification by the law enforcement officer that the facts set forth in the citation are true and correct to the officer's personal knowledge, or information and belief, and that any false statements therein are made subject to the penalties of the Crimes Code, 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities.

(B) The copy delivered to the defendant shall also contain a notice to the defendant:

- (1) that the original copy of the citation will be filed before the issuing authority of the magisterial district designated in the citation, the address and number of which shall be contained in the citation; and
- (2) that the defendant shall, within 10 days after issuance of the citation:
  - (a) plead not guilty by:
    - (i) notifying the proper issuing authority in writing of the plea and forwarding as collateral for appearance at trial an amount equal to the fine and costs specified in the citation, plus any additional fee

required by law. If the amount is not specified, the defendant shall forward the sum of \$50 as collateral for appearance at trial; or

(ii) appearing before the proper issuing authority, entering the plea, and depositing such collateral for appearance at trial as the issuing authority shall require. If the defendant cannot afford to pay the collateral specified in the citation or the \$50, the defendant must appear before the issuing authority to enter a plea; or

(b) plead guilty by:

(i) notifying the proper issuing authority in writing of the plea and forwarding an amount equal to the fine and costs when specified in the statute or ordinance, the amount of which shall be set forth in the citation; or

(ii) appearing before the proper issuing authority for the entry of the plea and imposition of sentence, when the fine and costs are not specified in the citation; or

(c) appear before the proper issuing authority to request consideration for inclusion in an accelerated rehabilitative program;

(3) that all checks forwarded for fine and costs or for collateral shall be made payable to the magisterial district number set forth on the citation;

(4) that failure to respond to the citation as provided above within the time specified:

(a) shall result in the issuance of a summons when a violation of an ordinance or any parking offense is charged, and in all other cases shall result in the issuance of a warrant for the arrest of the defendant; and

(b) shall result in the suspension of the defendant's driver's license when a violation of the Vehicle Code is charged;

(5) that failure to indicate a plea when forwarding an amount equal to the fine and costs specified on the citation shall result in a guilty plea being recorded; and

(6) that if convicted, the defendant may appeal within 30 days for a trial *de novo*.

COMMENT: Paragraph (A)(3) requires the law enforcement officer who issues a citation to indicate on the citation if the defendant is a juvenile and, if so, whether the juvenile's parents were notified. See the Judicial Code, 42 Pa.C.S. § 1522, concerning parental notification in certain summary cases involving juveniles.

Paragraph (A)(8) requires the law enforcement officer who issues a citation to indicate on the citation whether criminal laboratory services are requested in the case. This information is necessary to inform the district justice that, in addition to any fines, restitution, or costs, the district justice may be required to sentence the defendant to pay a criminal laboratory user fee. See 42 Pa.C.S. § 1725.3 which requires that a defendant be sentenced to pay a criminal laboratory user fee in certain specified cases when laboratory services are required to prosecute the case.

If the law enforcement officer specifies the fine and costs in the citation, the defendant may plead guilty by mail. The officer may specify the fine and costs only when the penalty provided by law does not include imprisonment and the statute or ordinance fixes the specific amount for the fine. Consequently, if by statute a sentence of imprisonment is authorized for the offense(s) charged, such sentence may only be imposed if neither the fine nor costs is specified in the citation and the defendant therefore must personally appear before the issuing authority.

Paragraph (B)(4)(b) provides notice to the defendant that his or her license will be suspended if the defendant fails to respond to the citation or summons within the time specified in the rules. See 75 Pa.C.S. § 1533.

Paragraph (B)(5) provides a uniform procedure for handling cases in which a defendant returns the fines and costs but fails to sign the citation and, therefore, does not indicate a plea. See Rule **[57] 407**.

It is intended that the notice to the defendant, required by paragraph (B) to be on the copy of the citation delivered to the defendant, shall be simply worded so the plain meaning of the notice is easily understandable.

For consequences of defects in a citation, 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 133(a) and  
Rule 133(b), adopted January 31, 1970, effective May 1,  
1970; renumbered **[as]** Rule 53(a) and 53(b) September 18,  
1973, effective January 1, 1974; amended January 23,  
1975, effective September 1, 1975; *Comment* revised  
January 28, 1983, effective July 1, 1983; rescinded July 12,  
1985, effective January 1, 1986, and not replaced in these  
rules. Present **[r]** **R**ule **53** adopted July 12, 1985, effective  
January 1, 1986. The January 1, 1986 effective dates all  
are extended to July 1, 1986; amended February 1, 1989,  
effective as to cases instituted on or after July 1, 1989;  
amended January 31, 1991, effective July 1, 1991; amended  
June 3, 1993, effective as to new citations printed on or after  
July 1, 1994; amended July 25, 1994, effective January 1,  
1995 **[.]** ; **renumbered Rule 403 and Comment revised**  
**March 1, 2000, effective April 1, 2001.**

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**COMMITTEE EXPLANATORY REPORTS:**

**Report explaining the January 31, 1991 amendments published at 20**  
**Pa.B. 4788 (September 15, 1990); Supplemental Report published at**  
**21 Pa.B. 621 (February 16, 1991).**

**Report explaining the June 3, 1993 amendments published with the**  
**Court's Order at 23 Pa.B. 2809 (June 19, 1993).**

**Report explaining the July 25, 1994 amendments published with**  
**Court's Order at 24 Pa.B. 4068 (August 13, 1994).**

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