

**RULE 117 COVERAGE: ISSUING WARRANTS; PRELIMINARY ARRAIGNMENTS AND SUMMARY TRIALS; AND SETTING AND ACCEPTING BAIL.**

1. Each Magisterial District Court Office shall be open for regular business on Mondays through Fridays, excluding holidays, from 8:00 A.M. to 4:30 P.M., prevailing time, which times may be modified with the approval of the President Judge to meet the needs of the public and the Court.
2. A Magisterial District Judge shall be available on-call at all times of all days without unreasonable delay to provide continuous coverage for the issuance of search warrants and arrest warrants, for the setting and acceptance of bail, and for the issuance of emergency orders under the Protection From Abuse Act, the Act of March 21, 2014, P. L. 365, No. 25 relating to the Protection of Victims of Sexual Violence or Intimidation, and the Older Adult Protective Services Act. This rule shall be satisfied by number 3 and 4 below.
3. The President Judge shall establish the schedule of assignment of Magisterial District Judges to on-call duty for availability on a rotating basis pursuant to a semi-annual/annual schedule prepared by the District Court Administrator. When a Magisterial District Judge who has jurisdiction over a particular matter is unavailable during regular business hours, authority to act is transferred to other Magisterial District Judges in the 56<sup>th</sup> Judicial District pursuant to the aforesaid assignment to on-call duty stated above.
4. Magisterial District Judges during regular business hours, an on-call Magisterial District Judge while on-call, the Clerk of Courts during business hours and the Warden, or in his absence, the Deputy Warden or Sergeant in charge of the Carbon County Correctional Facility, shall be authorized to accept bail in accordance with the provisions, and subject to the limitations of the Pennsylvania Rules of Criminal Procedure.
5. A Magisterial District Judge assigned to on-call duty shall be available for preliminary arraignments in accordance with the following schedule:
  - A. For arrests occurring after the close of regular business hours but before 8:00 P.M., and for arrests occurring on weekends or holidays between 8:00 A.M. and 8:00 P.M., the Magisterial District Judge shall respond to the call and

conduct a preliminary arraignment utilizing the on-screen video arraignment connection between the police station and the Magisterial District Court prior to detention at the Carbon County Correctional Facility. Scheduling of the arraignment shall be initiated by the arresting officer contacting the Comm. Center by telephone and requesting an arraignment. Arraignments shall be scheduled whenever:

1. The defendant is arrested pursuant to a warrant, and
2. In those circumstances where an arrest has been made without a warrant and for which the defendant is to be afforded a preliminary arraignment without unnecessary delay, (See Pa.R.Crim.P. 519), after the completion of the criminal complaint.

B. For arrests occurring after 8:00 P.M. but before 8:00 A.M. on weekends or holidays, and before 8:00 A.M. on weekdays, preliminary arraignments shall be scheduled as follows:

1. For arrests pursuant to a warrant and those arrests requiring preliminary arraignment pursuant to Pennsylvania Rule of Criminal Procedure 519, the arresting agency, including the state police, municipal police or sheriff, is authorized to detain the prisoner at the Carbon County Correctional Facility until 8:00 A.M. the following morning. For Defendants so detained, the on-call Magisterial District Judge shall appear in person or by advanced communication technology at the Carbon County Correctional Facility at 8:00 A.M. to preside at the Preliminary Arraignment. The on-call Magisterial District Judge shall contact the Carbon County Correctional Facility no later than 7:30 A.M. to determine whether any Defendants are so detained.

2. Prior to detaining a prisoner at the Carbon County Correctional Facility under this Rule, the arresting agency shall contact the facility to ascertain that adequate detention facilities are available for temporary detention in accordance with this Rule. If no detention facilities are available at the facility, the arresting agency shall notify the on-call Magisterial District Judge through the Communication Center of that fact and a preliminary arraignment shall be required prior to detention or commitment to Prison.

3. The arresting agency detaining the Defendant shall provide the Magisterial District Judge with copies of the Criminal Complaint, of the Affidavit of Probable Cause in support thereof, and a copy of the Bail Information Sheet for Overnight Arraignments regarding the defendant's criminal record and flight risk, and the officer's bail recommendation, by depositing the same at the Carbon County Correctional Facility and faxing copies to the Magisterial District Court Office. The arresting agency shall be responsible to deliver or mail within twenty-four (24) hours all original documents to the Magisterial District Court office who issued the warrant or within whose jurisdiction the offense occurred.

4. The arresting officer(s) need not appear at the Preliminary Arraignment provided the documents identified in paragraph (B) (3) are provided. In the alternative, the arresting officer may appear at the Preliminary Arraignment in lieu of prior submission of these documents; however, no person shall be detained under this rule without the completion and submission of a completed criminal Complaint and Affidavit of Probable Cause. A copy shall be delivered to the Carbon County Correctional Facility and a copy faxed to the Magisterial District Court office for the Judge's use.

5. The provisions of this Rule allowing for temporary detention of prisoners shall not apply to the performance of any other duties of the on-duty Magisterial District Judge during the hours of 8:00 P.M. to 8:00 A.M.

6. The Carbon County Correctional Facility shall identify a detention area for prisoners so detained in accordance with the Standard Operating Procedures of the Carbon County Correctional Facility for temporary detention of individuals at the Prison.

7. The Carbon County Correctional Facility is directed to make available to the on-duty Magisterial District Judge appropriate space or advanced communication technology availability between the hours of 8:00 A.M. and 9:00 A.M. to perform the Preliminary Arraignment at the Prison.

8. Upon completion of the Preliminary Arraignment, the detention authorized by this Rule shall terminate and the person detained shall be processed in accordance with the Orders of the Magisterial District Judge at the Preliminary Arraignment or, if no Preliminary Arraignment has been done, the person shall be released from detention and the arresting agency shall arrange for

the Preliminary Arraignment of the person otherwise in accordance with the Rules of Criminal Procedure.

9. If the Preliminary Arraignment is conducted by advanced communication technology, upon completion of the Preliminary Arraignment, copies of all commitment orders, bail orders, etc. shall be faxed from the Magisterial District Judge to the Carbon County Correctional Facility and the originals mailed to the Carbon County Correctional Facility on the next regular business day. If the Preliminary Arraignment is conducted at the Correctional Facility, original documents shall be provided to the Carbon County Correctional Facility at the time of the Preliminary Arraignment.

- C. Nothing in this Rule shall alter the requirements of Carbon County Local Criminal Rules of Procedure 202 regarding approval of search warrant application by attorney for the Commonwealth and Rule 507 regarding approval of police complaints and arrest warrant affidavits by the Attorney for the Commonwealth.