

FIRST JUDICIAL DISTRICT OF PENNSYLVANIA

PHILADELPHIA TRAFFIC COURT

ADMINISTRATIVE ORDER 01 of 2006

In re: Adoption Of Philadelphia Traffic Court Local Rule No. 1036

Order

AND NOW, this 3rd day of January, 2006, pursuant to Pa.R.Crim.P. 105 and Pa.R.Crim.P. 1030 et seq., Philadelphia Traffic Court Local Rule No. 1036, which follows this order, is adopted, and shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

The original Administrative Order shall be filed with the Prothonotary in a docket maintained for Administrative Orders issued by the Administrative Judge of the Philadelphia Traffic Court, and copies shall be submitted to the Administrative Office of Pennsylvania Courts, the Legislative Reference Bureau, the Criminal Procedures Rules Committee, and the Minor Court Rules Committee. Copies of the Order shall also be submitted to American Lawyer Media, The Legal Intelligencer, Jenkins Memorial Law Library, and the Law Library for the First Judicial District of Pennsylvania.

BY THE COURT:

/s/ Bernice DeAngelis

HONORABLE BERNICE DeANGELIS
Administrative Judge
PHILADELPHIA TRAFFIC COURT

LOCAL RULE 1036. TRAFFIC COURT HEARING OFFICERS

(a) Qualifications. Traffic Court Hearing Officers shall be knowledgeable with the Pennsylvania Motor Vehicle Code and the Pennsylvania Rules of Criminal Procedure, and any other rules or laws which control the issuance, processing and disposition of citations issued pursuant to the Motor Vehicle Code, including these Local Rules, shall complete an initial course of training and instruction of not less than thirty-five (35) hours as may be established from time to time by the Administrative Judge of the Traffic Court, shall possess such experience and educational requirements as may be established from time to time by the Administrative Judge of the Traffic Court, and must pass a written examination and be certified by the Administrative Office of Pennsylvania Courts prior to assuming office. Attendance at training courses conducted by or on behalf of the Minor Judiciary Education Board may satisfy the training and instructional requirements.

(b) Continuing Education. Traffic Court Hearing Officer shall complete a continuing education program each year equivalent to not less than twenty (20) hours per year in such courses or programs as may be established from time to time by the Administrative Judge of the Traffic Court. Attendance of continuing education courses conducted by or on behalf of the Minor Judiciary Education Board may satisfy the continuing education requirement. Failure to meet the continuing education requirements on a yearly basis shall result in the Hearing Officer being suspended, without pay, until such time as the continuing education requirements are met.

(c) Duties. As authorized by Pa.R.Crim.P. 1036 (A), Traffic Court Hearing Officers are authorized to perform the following duties:

(1) set collateral consistent with Pa.R.Crim.P. 452 and 1034;

(2) establish or re-establish payment plans consistent with Pa.R.Crim.P. 456;

(3) conduct warrant hearings as provided in Local Rule 1033. At the conclusion of the warrant hearing, the Hearing Officer shall:

(i) if it appears that a summary trial can be held immediately, forward the case to a Traffic Court judge for an immediate summary trial;

(ii) if it appears that a summary trial cannot be held immediately, schedule a summary trial date and serve the notice on the defendant and determine whether collateral must be posted by the defendant to secure defendant's release pending the summary trial. The Scheduling Orders shall be substantially as set forth in Local Rule 1033;

(iii) release the defendant unless collateral has been ordered and is not posted. If collateral is ordered and is not posted, the defendant shall be brought to the county prison and held pending the summary trial or hearing. However, the defendant shall be released at any time before the summary trial or hearing when the collateral is posted; and

(iv) direct that all outstanding Traffic Court warrants against the defendant be withdrawn.

(4) such other duties as may, from time to time, be designed by the Administrative Judge of the Philadelphia Traffic Court through an amendment to this Local Rule.

COMMENT: The Traffic Court Hearing Officer shall set collateral, pursuant to Pa.R.Crim.P. 1034, in a reasonable amount, i.e. an amount which upon consideration of the defendant's income and the defendant's expenses may be reasonably posted by the defendant. It is the intention of the court that most, if not all, defendants arrested pursuant to Traffic Court warrants will be released pending the date of the summary trial or hearing. However, should Traffic Court records disclose that the defendant has a history of failure to appear for Traffic Court summary trials or hearings, especially after personal service of the notice of trial or scheduling order, the defendant may be held until the summary trial or hearing date and may be released only upon payment of the full amount of collateral or outstanding fines. Should the defendant be ordered held until the date of the summary trial or hearing, the summary trial or hearing should be scheduled as soon as practical.