

RULE 210. ARREST WARRANTS

- A. **Application.** An application for an arrest warrant shall be made by submitting a written allegation supported by a probable cause affidavit with the president judge or any issuing authority designated by the president judge of each judicial district. The president judge shall ensure twenty-four hour availability of a designated issuing authority.
- B. **Approval of Commonwealth.** When a certification is filed by the District Attorney pursuant to Rule 231, no application for an arrest warrant shall be submitted to the issuing authority unless an attorney for the Commonwealth has approved the application.
- C. **Arrest procedures.** When a juvenile is arrested pursuant to a warrant, the case shall proceed in the same manner as a warrantless arrest in accordance with Rule 220.
- D. **Transmission of file.** If a magisterial district judge issues an arrest warrant for a juvenile pursuant to paragraph (A), the magisterial district judge shall forward the juvenile case file to the clerk of courts immediately or no later than the next business day.
- E. **Return of arrest warrant.** Once the arrest warrant has been executed, it shall be returned to the juvenile probation office. The juvenile probation office shall, immediately and no later than the next business day, notify the magisterial district judge that the warrant has been executed.
- F. **Case closed by magisterial district judge.** Once a magisterial district judge has been notified that the arrest warrant has been executed pursuant to paragraph (E), the magisterial district judge shall mark the arrest warrant as served and close the case.

COMMENT

For the contents of a written allegation, see Rule 232. **See <http://www.courts.state.pa.us> for a copy of the written allegation form.** For the requirements of the issuance of an arrest warrant, see Rule 211. **The arrest warrant form may be accessed by a judge in the Magisterial District Judge System (MDJS) or the Common Pleas Criminal Court Case Management System (CPCMS).**

Under paragraph (A), the president judge of each judicial district may designate a juvenile court judge, another common pleas judge, or other issuing authorities to receive applications for arrest warrants. The president judge also is to designate an issuing authority to receive applications after normal business hours and on holidays. For the definition of “issuing authority,” see Rule 120.

When issuing an arrest warrant, a magisterial district judge is included in the definition of court pursuant to Rule 120, and as such, the magisterial district judge is to maintain the confidentiality of records as required by Rule 160. For access to court records, see Rule 160.

Paragraph (A) provides that a magisterial district judge may order the juvenile to be taken into custody pursuant to the laws of arrest. Pursuant to the Juvenile Act, 42 Pa.C.S. § 6303(b), a district judge of the minor judiciary may not detain a juvenile. This rule allows a magisterial district judge to issue an arrest warrant, which may lead to detention in limited circumstances. **[See]See** Rule 800 (8).

Paragraph (D) provides that if the president judge of a judicial district has appointed a magisterial district judge to accept applications for arrest warrants and the magisterial district judge issues an arrest warrant for the juvenile, the magisterial district judge is to send the juvenile case file, including the written allegation supported by a probable cause affidavit, a copy of the arrest warrant, and any other information contained in the juvenile file, to the clerk of courts. For definition of clerk of courts, see Rule 120.

Paragraph (E) provides that the return of the arrest warrant is to be made with the juvenile probation office. The juvenile probation office immediately is to notify the magisterial district judge of the execution of the arrest warrant so the arrest warrant may be marked as executed in their computer system. This is extremely important so the juvenile does not get rearrested on the same warrant.

Official Note: Rule 210 adopted April 1, 2005, effective October 1, 2005. Amended March 23, 2007, effective August 1, 2007. **Amended December 3, 2007, effective immediately.**

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 210 published with the Court's Order at 35 Pa.B. 2214 (April 16, 2005). Final Report explaining the amendments to Rule ~~2001~~**210** published with the Court's Order at 37 Pa.B. 1485 (April 7, 2007). **Final Report explaining the amendments to Rule 210 published with the Court's Order at 37 Pa.B. - (-,2007).**

RULE 232. CONTENTS OF WRITTEN ALLEGATION

Every written allegation shall contain:

- 1) the name of the person making the allegations;
- 2) the name, date of birth, and address, if known, of the juvenile, or if unknown, a description of the juvenile;
- 3) a statement that:
 - a) it is in the best interest of the juvenile and the public that the proceedings be brought; and
 - b) the juvenile is in need of treatment, supervision, or rehabilitation;
- 4) the date when the offense is alleged to have been committed; provided, however:
 - a) if the specific date is unknown, or if the offense is a continuing one, it shall be sufficient to state that it was committed on or about any date within the period of limitations; and
 - b) if the date or day of the week is an essential element of the offense alleged, such date or day shall be specifically set forth;
- 5) the place where the offense is alleged to have been committed;
- 6)
 - a)
 - i) a summary of the facts sufficient to advise the juvenile of the nature of the offense alleged; and
 - ii) the official or customary citation of the statute and section, or other provision of law which the juvenile is alleged to have violated, but an error in such citation shall not affect the validity or sufficiency of the written allegation; or
 - b) a certification that the juvenile has not complied with the sentence imposed for a conviction of a summary offense;
- 7) the name and age of any conspirators, if known;
- 8) a statement that the acts were against the peace and dignity of the Commonwealth of Pennsylvania or in violation of an ordinance of a political subdivision;
- 9) a notation if criminal laboratory services are requested in the case;

- 10) a verification by the person making the allegation that the facts set forth in the written allegation are true and correct to the person's personal knowledge, information, or belief, and that any false statement made is subject to the penalties of the Crimes Code, 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities; and
- 11) the signature of the person making the allegation and the date of execution of the written allegation.

COMMENT

This rule sets forth the required contents of all written allegations whether the person making the allegation is a law enforcement officer, a police officer, or a private citizen. **See <http://www.courts.state.pa.us> for a copy of the written allegation form that is to be submitted.**

Official Note: Rule 232 adopted April 1, 2005, effective October 1, 2005. **Amended December 3, 2007, effective immediately.**

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 232 published with the Court's Order at 35 Pa.B. 2214 (April 16, 2005). **Final Report explaining the amendments to Rule 232 published with the Court's Order at 37 Pa.B. - (-,2007).**