

# Laser Fax

Version 5  
Modification 5.2  
June 30, 2004

## **SUMMARY CASES INVOLVING JUVENILES**

The Pennsylvania State Supreme Court has adopted amendments to the Rules of Criminal Procedure that change the way you will process summary cases involving juvenile defendants, effective July 1, 2004.

Amendments to Pa.R.Crim.P. 409, 414, 424, 454, and 455 provide that when the defendant is under the age of 18 at the time of the offense, and the offense carries a mandatory sentence of imprisonment, the issuing authority cannot conduct the trial or accept a guilty plea but must forward the case to the court of common pleas for disposition.

Amendments to Pa.R.Crim.P. 430, 455, and 456 provide that if a defendant under the age of 18 does not pay the fines and costs imposed, the issuing authority must issue a notice to the defendant and the defendant's parents, guardian, or other custodian informing them that if payment is not received or the defendant does not appear within the 10-day period, the issuing authority will certify notice of the failure to pay to the court of common pleas as required by the Juvenile Act, 42 Pa.C.S. Section 6302.

The amendment to the Comment to Pa.R.Crim.P. 430 provides that a defendant who has not paid the fine and costs imposed and the defendant is 18 or older when the default occurs, the issuing authority must proceed under Rule 430. In other words, when the defendant is 18 or older when he fails to meet the established time payment schedule, the case will display on the Pre-Warrant Notices to Print list, even if he was a juvenile when the offense occurred.

Further, amendments to the Comment to Pa.R.Crim.P. 430 provide if the defendant under the age of 18 fails to respond to a summons issued pursuant to Pa.R.Crim.P. 403(B)(4)(a), a warrant for the defendant's arrest should be issued as provided for in Pa.R.Crim.P. 430(A)(1) and (2).

As a result of these amendments, the DJS has changed as described in the following paragraphs.

### ***Case Entry***

During the docketing of a traffic, non-traffic, or private summary case in which the defendant is a juvenile, an additional Interested Party screen will appear to enable the maintenance of the parent/guardian as an interested party. This will ensure that the parent or guardian receives a copy of the Summary Trial Notice (AOPC 611) and the Notice of Impending Juvenile Certification form (AOPC 608C). The latter form is described on the next page.

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## ***Schedule Record Events/Final Charges***

A new message will appear on the Schedule/Record Events screen if the defendant is a juvenile. If the defendant is a juvenile, as calculated by the DJS, the question, "If the defendant is convicted, is there a mandatory sentence of imprisonment? (Y/N)" will display. If the response is Y, then an error message will display preventing a summary trial from being scheduled. In addition, the same message will display on the Final Charge screen that will prevent a GP (Guilty Plea) from being recorded. This message is a reminder to certify the case to the court of common pleas by printing the Juvenile Certification form (AOPC 608).

## ***New and Modified DJS Forms***

A new form, Notice of Impending Juvenile Certification (AOPC 608C), is printed when a juvenile defendant fails to pay any fine and costs imposed by the district justice. If a payment is not received or the defendant does not appear within 10 days of the date of the Notice Impending Juvenile Certification, print the Juvenile Certification form and certify the case to the court of common pleas for further proceeding pursuant to the Juvenile Act, 42 Pa.C.S § 6301 et seq.

The Juvenile Certification form has new language applicable to cases in which a juvenile defendant has been charged with an offense that carries a mandatory sentence of imprisonment. This section on the form will be completed by the system when you answer Y to "If the defendant is convicted, is there a mandatory sentence of imprisonment?"

## ***Batch Processing Menu***

A new batch processing option has been created to tickle for cases in which the defendant is a juvenile. When a juvenile defendant defaults on a time payment or does not appear for a summary trial or payment determination hearing, the case will display on the Juvenile Actions list. This is Option 8 on the Batch Processing Menu.

Ten days after the Notice of Impending Juvenile Certification form is printed, the case will reappear on the Juvenile Actions list for you to print the Juvenile Certification form. When this form is printed, the case status will change to JUV and an archive date will be set.

## ***Juvenile Certification Actions (In-Case)***

You can also generate both the Notice of Impending Juvenile Certification and Juvenile Certification forms from within the case. From the Case Status Menu, select Option 6 (Juvenile Certification/Truancy Referral). On the Action Code field, select PRJN (PRINT IMPENDING JUV CERT) to print the Notice of Impending Juvenile Certification form or FILE (FILE JUV CERTIFICATION) to print the Juvenile Certification form.

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## ***New Nightly Report***

A report will generate with your other nightly reports that shows cases for which either a Notice of Impending Juvenile Certification form or Juvenile Certification is to be issued. This report will match the cases on your Juvenile Action batch-processing list. If you need an additional copy or did not receive the list during nightly processing, you may generate the list from the Nightly Reports Menu. The report, Juvenile Action Report, is Option 15 on the Nightly Reports Menu.

Please call the DJS Help Desk if you have questions regarding the new juvenile summary case processing.

## **COURT OF JUDICIAL DISCIPLINE**

The Judicial Conduct Board has asked that an Order, Opinion, and Sanction Order be placed in the Statewide folder for your review.

To view the documents:

- ? From the Desktop, click the **Start** button.
- ? Click on Statewide.
- ? Double-click the documents labeled "TOCZYDLOWSKI-OPINIONORDER"  
"TOCZYDLOWSKI-OPINION"  
"TOCZYDLOWSKI- SANCTIONORDER"

## **PROFESSIONAL SURETIES**

Modification 5.1 stated that on June 30 the AOPC will be responsible for providing and maintaining a complete and current listing of professional sureties. This, however, will not occur on June 30. Instead, you will continue to maintain professional sureties and we will update you in the future of any change.