

LUZERNE COUNTY
Order Amending Local Rule of Criminal Procedure 4010; No. 112 MD of 2020
Appointment of Luzerne County Bail Agency

CLERK OF COURTS CRIMINAL
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ORDER

And Now, this 21 day of JANUARY, 2020, it is hereby *Ordered* and *Decreed* as follows:

1. The Court of Common Pleas of Luzerne County, constitutionally the Eleventh Judicial District of the Commonwealth of Pennsylvania rescinds former Rule 4010 (dated March 7, 1996) and replaces it in it's entirely with Luzerne County Local Rule of Criminal Procedure (Luz.Co.L.R.Crim.P.) 4010, as attached hereto and incorporated herein by reference.
2. It is further Ordered and Decreed that the Court Administrator shall file via U.S. Mail one (1) certified copy of this Rule with the Administrative Office of Pennsylvania Courts, two (2) certified copies and an electronic document via e-mail saved in Microsoft Word format to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, one (1) certified copy to the Criminal Procedural Rules Committee, one (1) certified copy to the Judicial Council of Pennsylvania Statewide Rules Committee, and one (1) copy to the *Luzerne Legal Register* for publication in the next issue.
3. It is further Ordered that the effective date of this order shall be thirty (30) days after the date of publication in the *Pennsylvania Bulletin*.
4. It is further Ordered that these local rules shall be kept continuously available for public inspection and copying in the Office of Judicial Services and Records of Luzerne County.

COMPLIANCE HEREWITH IS DIRECTED.

BY THE COURT:



MICHAEL T. VOUGH

President Judge

Luz. Co. L.R.Crim.P. 4010; Bail Agency:

In accordance with and pursuant to the Pennsylvania Rules of Criminal Procedure, the Luzerne County Court designates the Luzerne County Office of Probation Services as the County Bail Agency with all the duties and powers now or hereafter provided for by said Rules including the following:

- a. To interview every person detained in lieu of or in default of bail as soon as possible after the commitment to determine whether such person qualifies for release on some supervised or unsupervised form of bail.
- b. To secure such information as may be necessary and relevant to any bail decisions.
- c. To make recommendations as to the bail risks of any defendant as well as concerning the types of release and the conditions of release on bail for individual defendants.
- d. To investigate and evaluate the reliability and solvency of any surety and report the same to the Court and/or issuing authority.
- e. Supervising defendants when so designated by the bail authority.
- f. To be surety on any bail permitted by law.
- g. Administering percentage cash bail when authorized by a bail authority pursuant to the Rules of Criminal Procedure.
- h. To keep account of the whereabouts of defendants released on bail for whom it is surety or defendants who are released under their supervisory powers and authority or any bail authorized by the agency and to inform the Court or issuing authority of any violation by such defendant of terms or conditions of their release.
- i. To make reasonable rules and regulations necessary to implement the Bail Agency's functions and to make the same known to each person placed under the supervision of the Agency.
- j. With the approval of the Court to set, collect and retain as a fee an amount reasonably related to the cost of administering the particular bail program.
- k. Nothing in this rule shall prohibit the designation of other private surety in appropriate bail cases without the designation of the County Bail Agency of supervisory surety,
- l. Nothing in this rule shall prohibit the posting of any appropriate type of bail allowed under the Rules of Criminal Procedure by other private or licensed sureties.
- m. Any representative of the Bail Agency who seeks and obtains information from a defendant shall both orally and in writing advise a defendant that anything said to a Bail Agency representative may be used against said defendant.
- n. Information obtained from or concerning any defendant shall be disclosed only to persons authorized by law to receive such information and use of the same shall be as now or hereafter restricted or limited by the Rules of Criminal Procedure.