

**SUPREME COURT OF PENNSYLVANIA
CRIMINAL PROCEDURAL RULES COMMITTEE**

NOTICE OF PROPOSED RULEMAKING

Proposed Amendment of Pa.R.Crim.P. 150

The Criminal Procedural Rules Committee is considering proposing to the Supreme Court of Pennsylvania the amendment of Pa.R.Crim.P. 150 for the reasons set forth in the accompanying publication report. Pursuant to Pa.R.J.A. 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

Any report accompanying this proposal was prepared by the Committee to indicate the rationale for the proposed rulemaking. It will neither constitute a part of the rules nor be adopted by the Supreme Court.

Additions to the text of the proposal are bolded and underlined; deletions to the text are bolded and bracketed.

The Committee invites all interested persons to submit comments, suggestions, or objections in writing to:

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All communications in reference to the proposal should be received by **October 1, 2025**. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

By the Criminal Procedural Rules Committee,

David R. Crowley, Esq., Chair

Rule 150. Bench Warrants.

[(A)](a) In a court case when a bench warrant is executed, the case is to proceed in accordance with the following procedures.

- (1) When a defendant or witness is arrested pursuant to a bench warrant, he or she shall be taken without unnecessary delay for a hearing on the bench warrant. The hearing shall be conducted by the judicial officer who issued the bench warrant, or, another judicial officer designated by the president judge or by the president judge's designee to conduct bench warrant hearings.
- (2) In the discretion of the judicial officer, the bench warrant hearing may be conducted using two-way simultaneous audio-visual communication.
- (3) When the individual is arrested in the county of issuance, if the bench warrant hearing cannot be conducted promptly after the arrest, the defendant or witness shall be lodged in the county jail pending the hearing. The authority in charge of the county jail promptly shall notify the court that the individual is being held pursuant to the bench warrant.
- (4) When the individual is arrested outside the county of issuance, the authority in charge of the county jail promptly shall notify the proper authorities in the county of issuance that the individual is being held pursuant to the bench warrant.
- (5) The bench warrant hearing shall be conducted without unnecessary delay after the individual is lodged in **[the] jail [of the county of issuance]** on that bench warrant.

[(a)](i) When the bench warrant is issued by the supervising judge of a "multi-county" investigating grand jury, the individual shall be detained only until the supervising judge is available to conduct the bench warrant hearing.

[(b)](ii) In all other cases, the individual shall not be detained without a bench warrant hearing on that bench warrant longer than 72 hours, or the close of the next business day if the 72 hours expires on a non-business day. **If the bench warrant hearing is not held within the time limits of this subdivision, the bench warrant will expire by operation of law.**

(6) At the conclusion of the bench warrant hearing following the disposition of the matter, the judicial officer immediately shall vacate the bench warrant.

[(7) If a bench warrant hearing is not held within the time limits in paragraph (A)(5)(b), the bench warrant shall expire by operation of law.]

[(B)](b)As used in this rule, “judicial officer” is limited to the magisterial district judge or common pleas court judge who issued the bench warrant, or the magisterial district judge or common pleas court judge designated by the president judge or by the president judge’s designee to conduct bench warrant hearings, or in Philadelphia, trial commissioners and Philadelphia Municipal Court judges.

Comment: This rule addresses only the procedures to be followed after a bench warrant is executed, and does not apply to execution of bench warrants outside the Commonwealth, which are governed by the extradition procedures in 42 Pa.C.S. § 9101 *et seq.*, or to warrants issued in connection with probation or parole proceedings.

For the bench warrant procedures when a witness is under the age of 18 years, see Rule 151.

[Paragraph (A)(2)] Subdivision (a)(2) permits the bench warrant hearing to be conducted using two-way simultaneous audio-visual communication, which is a form of advanced communication technology. See **[Rule] Pa.R.Crim.P.** 103. Utilizing this technology will aid the court in complying with this rule, and in ensuring individuals arrested on bench warrants are not detained unnecessarily.

Once a bench warrant is executed and the defendant is taken into custody, the bench warrant no longer is valid.

To ensure compliance with the prompt bench warrant hearing requirement, the president judge or the president judge’s designee may designate only a magisterial district judge to cover for magisterial district judges or a common pleas court judge to cover for common pleas court judges. **[See also] See also** Rule 132 for the temporary assignment of magisterial district judges. In Philadelphia, the current practice of designating trial commissioners and Philadelphia Municipal Court judges to conduct bench warrant hearings is acknowledged in **[paragraph (B)] subdivision (b)**.

[It is expected that the practices in some judicial districts of a common pleas court judge (1) indicating on a bench warrant is a “judge only” bench warrant, or (2) who knows he or she will be unavailable asking another common pleas court judge to handle his or her cases during the common pleas court judge’s absence, would continue.] Nothing in this rule is intended to preclude a common pleas court judge from either indicating on a bench warrant that it is a “judge only” bench

warrant, or asking another common pleas court judge to handle his or her cases when he or she will be unavailable.

[Paragraph (A)(5)(a)] Subdivision (a)(5)(i) recognizes the procedural and substantive differences between “multi-county” investigating grand jury proceedings and all other proceedings in the court of common pleas, including a county investigating grand jury, by eliminating the time limit for conducting the bench warrant hearing when the bench warrant is issued by the multi-county investigating grand jury supervising judge. See **[Rules] Pa.R.Crim.P. 240—244; [and] 42 Pa.C.S. § 4544.** **[When] If** the supervising judge issues a bench warrant, the bench warrant hearing must be conducted expeditiously when the supervising judge is available.

[Paragraph (A)(6)] Subdivision (a)(6) requires the judicial officer to vacate the bench warrant at the conclusion of the bench warrant hearing. The current practice in some judicial districts of having the clerk of courts cancel the bench warrant upon receipt of a return of service is consistent with this paragraph, as long as the clerk of courts promptly provides notice of the return of service to the issuing judge.

It is incumbent upon the president judge or the president judge’s designee to establish procedures for the monitoring of the time individuals are detained pending their bench warrant hearing.

For the procedures concerning violation of the conditions of bail, see Chapter 5 Part C.

As used in this rule, “court” includes magisterial district judge courts.

For the bench warrant procedures in summary cases, see **[Rules] Pa.R.Crim.P. 430(B) and 431(C).**

For procedures for the detention of witnesses, see Rule 522.

For the arrest warrants that initiate proceedings in court cases, see **[Chapter 5, Part B(3)(a), Rules 513, 514, 515, 516, 517, and 518] Pa.R.Crim.P. 513-518.** For the arrest warrants that initiate proceedings in summary cases, see **[Chapter 4, Part D(1), Rules] Pa.R.Crim.P. 430(A) and 431(B).**

[Official Note: Adopted December 30, 2005, effective August 1, 2006; Comment revised October 24, 2013, effective January 1, 2014; amended December 7, 2018, effective April 1, 2019.

Committee Explanatory Reports:

Final Report explaining new Rule 150 providing procedures for bench warrants published with the Court’s Order at 36 Pa.B. 184 (January 14, 2006).

Final Report explaining the October 24, 2013 Comment revision adding a cross-reference to new Rule 151 published with the Court's Order at 43 Pa.B. 6655 (November 9, 2013).

Final Report explaining the December 7, 2018 amendment regarding procedures for the detention of witnesses pursuant to Rule 522 published with the Court's Order at 48 Pa.B. 7749 (December 22, 2018).]

**SUPREME COURT OF PENNSYLVANIA
CRIMINAL PROCEDURAL RULES COMMITTEE**

PUBLICATION REPORT

Proposed Amendment of Pa.R.Crim.P. 150

The Criminal Procedural Rules Committee is considering proposing to the Supreme Court the amendment of Pa.R.Crim.P. 150 to limit the amount of time a defendant or witness may be detained without a hearing in one county's jail pursuant to a bench warrant issued by another county.

Currently, Pa.R.Crim.P. 150(A)(1) provides that when a defendant or witness is arrested pursuant to a bench warrant, "he or she shall be taken without unnecessary delay for a hearing on the bench warrant." Except for bench warrants issued by the supervising judge of a "multi-county" investigating grand jury, the rule requires that a hearing be held within 72 hours of the person's detention, "or the close of the next business day if the 72 hours expires on a non-business day." Pa.R.Crim.P. 150(A)(5)(B). If a hearing is not held within that time-period, the bench warrant expires by operation of law. See Pa.R.Crim.P. 150(A)(7). The 72-hour time limit, however, does not begin to run until the defendant or witness is "lodged in the jail of the county of issuance." Pa.R.Crim.P. 150(A)(5). If he or she is arrested and detained in the jail of a county other than the one that issued the bench warrant, the rule does not require a hearing within any period of time. The rule dictates only that "the authority in charge of the [arresting county's] jail promptly shall notify the proper authorities in the county of issuance that the individual is being held pursuant to the bench warrant." Pa.R.Crim.P. 150(A)(4).

Pa.R.Crim.P. 150 was first adopted in 2005. According to its Final Report at the time, the Committee did not recommend imposing the 72-hour time limit upon persons detained in another county because "there was concern that the 72-hour time limit was unrealistic given the difficulties in some cases of retrieving an individual from another judicial district, particularly when the judicial district of arrest is a great distance away from the judicial district of issuance." 36 Pa.B. 181 (January 14, 2006). The Committee is now evaluating whether there continues to be a need to permit pre-hearing detention in excess of 72 hours simply because the defendant or witness is detained in a county other than the one that issued the warrant.

The Committee notes that Pa.R.Crim.P. 150(A)(2) allows bench warrant hearings to be conducted using "two-way simultaneous audio-visual communication." Further noted is the increased prevalence and availability of this type of technology since Pa.R.Crim.P. 150 was adopted. In light of this change in circumstances, the Committee believes that bench warrant hearings can now more easily be held remotely and there is often no longer a need for the issuing county to physically retrieve an individual from the

arresting county and transport him or her for the hearing. Thus, logistical concerns no longer seem sufficient to justify excluding any bench warrant hearings from the 72-hour time-limit simply based upon the place of the defendant or witness's detention.

Accordingly, the Committee proposes to amend Pa.R.Crim.P. 150 to require a bench warrant hearing within 72 hours of a defendant or witness's detention, regardless of the county in which he or she is detained. This would be accomplished primarily by deleting the words "of the county of issuance" currently found in subdivision (A)(5). Additional language would be added to subdivision (A)(5)(b) to state that "[i]f the bench warrant hearing is not held within the time limits of this subdivision, the bench warrant will expire by operation of law." Subdivision (A)(7) would also be deleted to make clear that bench warrants issued by the supervising judge of a "multi-county" investigating grand jury remain exempt from the 72-hour time limit. See Pa.R.Crim.P. 150(A)(5)(a).

The Committee acknowledges that the proposed amendments amplify the importance of the notice requirement currently found in Pa.R.Crim.P. 150(A)(4). If the arresting county does not promptly notify the issuing county that the subject of a bench warrant has been arrested, then the bench warrant might expire by operation of law before any hearing can be held. However, absent any comments or information suggesting that counties are failing to comply with subdivision (A)(4), the Committee is not proposing any revisions with respect to the procedures for providing notice.

Finally, the Committee proposes stylistic amendments to bring the rule into conformity with the Supreme Court of Pennsylvania Style and Rulemaking Guide for Procedural and Evidentiary Rules. The sixth paragraph has also been revised to improve readability.

The Committee invites all comments, concerns, and suggestions.