

**FIRST JUDICIAL DISTRICT OF PENNSYLVANIA**  
**ADMINISTRATIVE GOVERNING BOARD**

**Administrative Order No. 01 of 2012**

*In Re: Corporate Sureties and Professional Bondsmen*

ORDER

AND now, this 3<sup>rd</sup> day of April, 2012, upon consideration of the Pretrial Justice Institute's February 2011 Report titled "Assessment of Pretrial Services in Philadelphia" and the July 2011 Interim Report of *The Reform Initiative: First Judicial District Criminal Courts, Commonwealth of Pennsylvania*, and the sources cited therein, the Court takes judicial notice that:

a) in excess of thirty (30%) per cent of defendants scheduled for hearings in the Criminal Divisions of the Court of Common Pleas and Municipal Court fail to appear at least once for their scheduled hearings or trials;

b) approximately 61,000 bench warrants were outstanding at the beginning of 2010, for the arrest of defendants who failed to appear as noted above, some having been issued as long as fifty years before (the majority of defendants had been fugitives for at least one year), and the current number of outstanding bench warrants issued for the arrest of defendants who failed to appear for their scheduled hearing or trial is still substantial;

c) the First Judicial District ("District") lacks the resources to serve all bench warrants and to apprehend all defendants who fail to appear for their scheduled criminal hearings or trials;

d) the District, at the request and with financial support from the City of Philadelphia, has committed additional personnel and resources to increase the number of electronic monitoring devices used to monitor defendants' whereabouts, as well as to monitor compliance with defendants' bail or parole requirements;

e) the District is aware that many defendants fail to comply with their reporting requirements and other release conditions and the number of defendants being monitored by the District will limit the District's ability to apprehend defendants who fail to appear for their scheduled criminal hearings or trials and the effective enforcement of the violations of their release conditions; and

f) the Court is committed to exploring alternatives to the current bail enforcement efforts by more fully utilizing the services of professional bail bondsmen and corporate sureties who are more extensively utilized in other counties throughout Pennsylvania.

NOW, therefore, it is hereby ORDERED, ADJUDGED and DECREED as follows:

- 1) Section of 3.(A)(4) of *Joint General Court Regulation No. 2006-02* is amended to read as follows:

(4) post with the Prothonotary as security the sum of \$100,000 in United States currency or unencumbered securities of the United States Government, which will entitle the Professional Bondsman to post bond in the aggregate sum of \$1,000,000.00, and by further posting the sum required for each individual bond or undertaking with the bail authority. Provided, however, that the Professional Bondsman must post additional security with the Prothonotary in the event the Professional Bondsman intends to post bond in excess of \$1,000,000. The additional security to be posted with the Prothonotary must be in units of \$200,000 which will entitle the Professional Bondsman to post bond in the additional sum of \$5,000,000 per unit;

- 2) Section of 3.(B)(6) of *Joint General Court Regulation No. 2006-02* is amended to read as follows:

(6) not post bonds if the aggregate maximum amount of unsettled and outstanding bail forfeitures, as determined by the Court Administrator of the First Judicial District, or the Court Administrator's designee, equals or exceeds the authorized amounts calculated as provided above. The Court Administrator ...

- 3) Section of 3.(A)(6) of *Joint General Court Regulation No. 2006-03* is amended to read as follows:

(6) post with the Prothonotary as security the minimum sum of \$100,000 in United States currency or unencumbered securities of the United States Government, which will entitle the corporate surety to post bond in the aggregate sum of \$1,000,000, and by further posting the sum required for each individual bond or undertaking with the bail authority. Provided, however, that the corporate surety must post additional security with the Prothonotary in the event the corporate surety intends to post bond in excess of \$1,000,000. The additional security to be posted with the Prothonotary must be in units of \$200,000 which will entitle the corporate surety to post bond in the additional sum of \$5,000,000 per unit;

- 4) Section of 3.(B)(6) of *Joint General Court Regulation No. 2006-03* is amended to read as follows:

(6) not post bonds if the aggregate maximum amount of unsettled and outstanding bail forfeitures, as determined by the Court Administrator of the First Judicial District, or the Court Administrator's designee, equals or exceeds the authorized amounts calculated as provided above. The Court Administrator . . . .

- 5) The Petition filed pursuant to Section 4. of *Joint General Court Regulations No. 2006-02 and 2006-03* to secure court approval to post bail in the First Judicial District as a professional bondsman and corporate surety shall be assigned for disposition to the Chair of the Administrative Governing Board of the First Judicial District.
- 6) Joint General Court Regulation No. 2006-02 is amended by the addition of a new Section 9 which shall read as follows:

*9. Review and Monitoring by the District Attorney.* The District Attorney of Philadelphia shall be served with a copy of any petition filed pursuant to this Joint General Court Regulation and shall have the continuing power to investigate the qualifications, training, character, and integrity of any Professional Bondsman who seeks leave of court to post bail for criminal defendants as provided in this Regulation, as well as the business practices and business methods of any person who has been approved to post bail as a Professional Bondsman in Philadelphia County and may, as appropriate, request, for good cause, denial or revocation of permission to post bail for criminal defendants in Philadelphia County.

Each applicant or licensee shall provide to the District Attorney such information as may be required concerning his business practices or business methods, or proposed business practices or methods, as a Professional Bondsman.

- 7) Joint General Court Regulation No. 2006-03 is amended by the addition of a new Section 9 which shall read as follows:

*9. Review and Monitoring by the District Attorney.* The District Attorney of Philadelphia shall be served with a copy of any petition filed pursuant to this Joint General Court Regulation and shall have the continuing power to investigate the qualifications, training, character, and integrity of any Corporate Surety that seeks leave of court to post bail for criminal defendants as provided in this Regulation, as well as the business practices and business methods of any Corporate Surety and its Agents who have been approved to post bail as Corporate Surety of as an Agent for the Corporate Surety in Philadelphia County and may, as appropriate, request, for good cause, denial or revocation of permission to post bail for criminal defendants in Philadelphia County.

Each applicant or licensee shall provide to the District Attorney such information as may be required concerning its business practices or business methods, or proposed business practices or methods, as a Corporate Surety.

All other terms and provisions of *Joint General Court Regulations No. 2006-02 and 2006-03* shall remain in full force and effect.

This Administrative Order is issued in accordance with the April 11, 1986 order of the Supreme Court of Pennsylvania, Eastern District, No. 55 Judicial Administration, Docket No. 1; and with the March 26, 1996 order of the Supreme Court of Pennsylvania, Eastern District, No. 164 Judicial Administration, Docket No. 1, as amended. As required by Pa.R.Crim.P. No. 105 (D), this Order has been submitted to the Supreme Court's Criminal Procedural Rules Committee for review and written notification has been received from the Committee certifying that this Order is not inconsistent with any general rule of the Supreme Court. This Order shall be filed with the Prothonotary and the Clerk of Courts in a docket maintained for Orders issued by the First Judicial District of Pennsylvania, and, as required by Pa.R.Crim.P. No. 105(E), two certified copies of this Order and a copy on a computer diskette, shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*. This Order will become effective immediately. As required by Pa.R.Crim.P. No. 105 (F) one certified copy of this Order shall be filed with the Administrative Office of Pennsylvania Courts and will also be published on the Unified Judicial System's web site at <http://ujportal.pacourts.us/localrules/ruleselection.aspx> and posted on the First Judicial District's website at <http://courts.phila.gov>. Copies shall be published in *The Legal Intelligencer* and will be submitted to *American Lawyer Media*, *Jenkins Memorial Law Library*, and the Law Library for the First Judicial District.

**BY THE COURT:**

/s/ John W. Herron  
**HONORABLE JOHN W. HERRON**  
**Chair, Administrative Governing Board**  
**Administrative Judge, Trial Division**  
**Court of Common Pleas**  
**First Judicial District of Pennsylvania**