

**FIRST JUDICIAL DISTRICT OF PENNSYLVANIA**

**ADMINISTRATIVE GOVERNING BOARD**

**Administrative Order No. 05 of 2012**

**In Re: INTERIM REVISION OF PRETRIAL RELEASE GUIDELINES**

**ORDER**

AND now, this 4<sup>th</sup> day of September, 2012, the First Judicial District of Pennsylvania having received no comments in response to the *Notice to the Bar and All Criminal Justice Partners* published in the June 12, 2012 edition of *The Legal Intelligencer* advising of its intention to adjust the cash ranges of the current guidelines to account for the effect of inflation, it is hereby ORDERED, ADJUDGED and DECREED that the First Judicial District’s Bail Guidelines are adjusted, effective on September 12, 2012, to reflect the 50% increase in the cost of living based on the Consumer Price Index for All Urban Consumers since the adoption of the Bail Guidelines in 1995, as follows:

**BAIL GUIDELINES GRID**

LOW <-----Charge Seriousness----->HIGH

		1	2	3	4	5	6	7	8	9	10
HIGH <-----> Risk Level ----->LOW	1	ROR 1	ROR 5	ROR 9	ROR 13	ROR 17	ROR 21	ROR 25	\$1,500- \$4,500 29	\$2,200- \$6,700 33	\$3,000- \$12,000 37
	2	ROR 2	ROR 6	ROR 10	ROR 14	ROR 18	ROSC 1 22	ROSC 1 26	\$3,000- \$6,700 30	\$3,700- \$8,200 34	\$3,700- \$12,000 38
	3	ROR 3	ROSC 1 7	ROSC 1 11	ROSC 1 15	ROSC 2 19	ROSC 2 23	ROSC 2 27	\$3,700- \$7,500 31	\$4,500- \$9,700 35	\$6,700- \$22,500 39
	4	ROSC 1 4	ROSC 1 8	ROSC 1 12	ROSC 2 16	ROSC 2 20	ROSC 2 24	\$3,700- \$6,700 28	\$4,500- \$7,500 32	\$4,500- \$12,000 36	\$9,000- \$75,000 40

In addition, a recent analysis of the practices of Philadelphia bail commissioners showed that between March and July 2012 cash bail was set in 95% of cases involving the possession of a firearm where the firearm was not discharged. In 72% of those cases, bail exceeded \$50,000, the top end of the highest range of the guidelines, which the model recommends for high risk defendants charged with the most serious offenses (cell 40 on the old matrix). Cash bail was set in these firearms cases despite that the current guidelines grade all violations of the Uniform Firearms Act at a Charge Seriousness level of 5 and, consequently, recommend ROR or ROSC2 – not cash bail – depending on the defendant’s risk level.

NOW, therefore, after careful consideration of the current practices, which reflect the broader concern of city officials and the community at large that gun violence in Philadelphia is at epidemic proportions, it is hereby ORDERED, ADJUDGED and DECREED that violations of Section 6105 (former convict not to own a firearm), 6106 (carrying a firearm without a license) and 6108 (carrying a firearm on public streets in Philadelphia) of the Pennsylvania Crimes Code are reclassified to a Charge Seriousness Level of 10. Violations of Section 4952 (Intimidation of witnesses or victims) and 4953 (Retaliation against witness, victim or party) are also reclassified to a Charge Seriousness Level of 10, effective on September 12, 2012.

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*. 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/ Honorable John W. Herron*

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