

**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.

Deletions to the text are bolded and bracketed; Additions to the text are designated as such.

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 July 8, 2026. 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) 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) 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) 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.**

- (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) 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) 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 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* 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).

It is expected that the practices in some judicial districts of a common pleas court judge (1) indicating on a bench warrant the judge has issued that the 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.

Paragraph (A)(5)(a) 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 240—244 and 42 Pa.C.S. § 4544. When the supervising judge issues a bench warrant, the bench warrant hearing must be conducted expeditiously when the supervising judge is available.

Paragraph (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 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. For the arrest warrants that initiate proceedings in summary cases, see Chapter 4, Part D(1), Rules 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).]

—The following text is entirely new—

(a) Hearing Required.

- (1) In a court case, when a defendant or witness is arrested pursuant to a bench warrant, the individual shall be taken without unnecessary delay for a hearing on the bench warrant.
- (2) 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.
- (3) At the conclusion of the bench warrant hearing following the disposition of the matter, the judicial officer immediately shall vacate the bench warrant.

(b) Manner of Hearing – Use of Advanced Communication Technology.

- (1) In the discretion of the judicial officer, the bench warrant hearing may be conducted using two-way simultaneous audio-visual communication.
- (2) In the discretion of the judicial officer, the bench warrant hearing may be conducted by two-way simultaneous audio communication if the individual is detained outside the county of issuance, two-way simultaneous audio-visual communication is not available, and the individual agrees.

(c) Pre-Hearing Detention.

- (1) If the individual is arrested in the county of issuance and the bench warrant hearing cannot be conducted promptly, then the individual 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.

- (2) If the individual is arrested outside the county of issuance and a bench warrant hearing cannot be held promptly, then the individual shall be lodged in the arresting county's jail pending a hearing or transfer to the county of issuance. The authority in charge of the arresting county's jail shall promptly notify the proper authorities in the county of issuance that the individual is being held pursuant to the bench warrant.

(d) **Time Limitations – General Rule.**

- (1) If the bench warrant was issued by a judicial officer other than the supervising judge of a multi-county investigating grand jury, then the individual may be detained pursuant to subdivision (c) for up to 72 hours, or the close of the next business day if the 72 hours expires on a non-business day.
- (2) Unless extended pursuant to subdivision (d)(3), the bench warrant will expire by operation of law if the bench warrant hearing is not held within 72 hours.
- (3) A judicial officer in the county of issuance may issue an order articulating good cause extending the bench warrant for one additional period of time not to exceed 72 hours.

- (e) **Time Limitations – Multi-County Investigating Grand Jury Warrants.** If the bench warrant is issued by the supervising judge of a multi-county investigating grand jury, the individual shall be detained pursuant to subdivision (c) only until the supervising judge is available to conduct the bench warrant hearing.

- (f) **Definitions.** 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.

Subdivision (a)(3) 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 subdivision, if the clerk of courts promptly provides notice of the return of service to the issuing judge.

Subdivision (b)(1) permits the court to conduct the bench warrant hearing using two-way simultaneous audio-visual communication, which is a form of advanced communication technology. See Pa.R.Crim.P. 103. Subdivision (b)(2) further provides the court with a limited ability to conduct the bench warrant hearing using two-way simultaneous audio-only communication, *e.g.* telephone. Utilizing this technology will aid the court in complying with the time requirements of this rule.

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* Pa.R.Crim.P. 132 (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 subdivision (f).

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.

Subdivision (e) 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 if the bench warrant is issued by the multi-county investigating grand jury supervising judge. See Pa.R.Crim.P. 240—244; and 42 Pa.C.S. § 4544. If the supervising judge issues a bench warrant, the bench warrant hearing must be conducted expeditiously when the supervising judge is available.

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, "president judge," as it pertains to Philadelphia, is intended to include the Administrative Judge of the Court of Common Pleas – Trial Division or the Administrative Judge of Municipal Court.

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

For the bench warrant procedures in summary cases, see 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 Pa.R.Crim.P. 513-518. For the arrest warrants that initiate proceedings in summary cases, see Pa.R.Crim.P. 430(A) and 431(B).

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

PUBLICATION REPORT

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

Currently, Pa.R.Crim.P. 150 (Bench Warrants) requires a hearing within 72-hours when a defendant or a witness is detained on a bench warrant that was issued in a court case. However, that time does not commence until the individual is detained in the jail of the county that issued. There is no time limit on pre-hearing detention if the individual is detained in another county's jail waiting to be transported back to the county of issuance. Concern was expressed over potentially indefinite periods of pre-hearing detention simply due to the county of arrest. There is a risk that individuals will be detained for periods of time that are longer than necessary. This can have detrimental effects on the individual's employment, housing, and other vital aspects of life.

Accordingly, the Committee previously published a proposal to amend Pa.R.Crim.P. 150 (Bench Warrants) by requiring a bench warrant hearing within 72 hours of detention regardless of the county in which the individual is detained, unless the warrant was issued by the supervising judge of a multi-county investigating grand jury. See 55 Pa.B. 5101 (August 2, 2025). While developing that proposal, the Committee noted that Pa.R.Crim.P. 150(A)(2) currently allows judicial officers to conduct bench warrant hearings remotely using two-way simultaneous audio-video communication. Believing that such technology had become ubiquitous since the rule's initial adoption in 2005, the Committee concluded that the 72-hour time limit could be expanded without undue strain on judges or the courts.

The Committee has now made further amendments to the proposal. Those amendments are substantive, organizational, and stylistic. As proposed, the entirety of the existing rule text and commentary would be replaced.

With respect to the substantive amendments, the Committee retained the previous 72-hour time limitation on pre-hearing detention regardless of the county in which the individual is detained, unless the individual is detained on a warrant issued by a supervising judge of a multi-county investigating grand jury. However, to address concerns that a timely bench warrant hearing through simultaneous two-way audio-visual communication is not always possible, the Committee is proposing two revisions.

First, proposed subdivision (b)(2) would permit a bench warrant hearing to be conducted using two-way simultaneous audio-only technology, e.g., telephone. This is intended to give courts and jails more flexibility to conduct hearings remotely when audio-video technology systems malfunction or when counties have incompatible audio-visual

communication technology systems. It is also intended to give more flexibility to accommodate the schedules of staff in two different counties. However, proceeding by audio-only technology would be at the judicial officer's discretion and if the individual agrees.

Second, proposed subdivision (d)(3) would provide a mechanism for a judicial officer in the county of issuance to extend a bench warrant for an additional 72 hours upon a finding of good cause. The judicial officer would also have to issue an order setting forth the good cause. Only one such extension would be permitted. As proposed, subdivision (d)(3) would apply to any bench warrant subject to the 72-hour time limit, even when the individual is detained in the county of issuance. If the warrant is extended, the court would have a combined total of six days to hold a hearing. The Committee believes that this is sufficient time to hold a bench warrant hearing, either in-person or remotely, regardless of the place of arrest.

As with the original proposal, bench warrants issued by the supervising judge of a multi-county investigating grand jury would not be subject to the 72-hour limitation. Pursuant to proposed subdivision (e), individuals in those cases could be detained "only until the supervising judge is available to conduct the bench warrant hearing." This requirement mirrors the existing rule. See Pa.R.Crim.P. 150(A)(5)(a).

With respect to the Comment, the Committee has revised the sixth paragraph which addresses the practice in some judicial districts of issuing "judge only" bench warrants." "Judge only" warrants are those in which the issuing judge has specified that he or she must conduct the bench warrant hearing. The proposed revision was included in the previous publication and is intended only to improve the readability of the existing commentary. The Committee specifically requests comments on the application of proposed Pa.R.Crim.P. 150(d) to "judge only" warrants.

The eleventh paragraph of the proposed comment is new. It provides: "As used in this rule, 'president judge,' as it pertains to Philadelphia, is intended to include the Administrative Judge of the Court of Common Pleas – Trial Division or the Administrative Judge of Municipal Court." This has been added to reflect present operations in the Philadelphia County Court System.

Finally, the remaining organizational and stylistic amendments found in proposed Pa.R.Crim.P. 150 are intended to improve readability and clarity.

The Committee invites all comments, concerns, and suggestions.

