

Rule 431*(E)-(R). Procedure when Defendant Arrested with Warrant.

- (D) Warrants of arrest shall be issued for execution only to police officers as defined in Rule 103 who have on file with the issuing authority signed and dated verifications that all facts set forth in any return of service being made by the police officer are being set forth in each such return of service as true and correct to the best of the police officer's knowledge, information and belief under the understanding that false statements therein are subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities.
- (E) When an arrest warrant is returned where the defendant has been found, the issuing authority shall ensure that the return of service by the police officer confirms:
 - (1) that the defendant has signed a guilty plea and has paid the amount of fine and cost stated on the warrant; or
 - (2) that the defendant has signed a not guilty plea and has paid the full amount of collateral stated on the warrant; or
 - (3) that the defendant has paid fine and cost due as specified in the warrant if the warrant is for collection of fine and cost after guilty plea or conviction.
- (F) Issuing authorities shall require all police officers as defined in Rule 103 executing warrants of arrest as specified above to:
 - (1) accept payments directly from defendants in cash, check or money order made payable only to the issuing authority's magisterial district; and
 - (2) forthwith submit to the magisterial district from which the warrant of arrest issued all such payments made payable to issuing authority's magisterial district and so much of the cash payments collected as are due to the Court for security or fine and Court costs. (Authorized fees for service of warrants by police officers paid in cash may be withheld by the police officer so long as the required return of service has been made.)
- (G) The issuing authority at the time of issuance of an arrest warrant shall direct that a defendant arrested on a warrant who is unable or unwilling to enter a written plea of guilty or not guilty, or who is unable or unwilling to pay the full amount of fine and cost, or is unable to post the amount of collateral stated be:
 - (1) held by the police officer pending the police officer's contacting the issuing authority either by telephone or in person to determine whether the defendant shall be given an immediate trial or provided a postponement; and
 - (2) given the opportunity to deposit sufficient collateral with the police officer when applicable for appearance on the new date. (If the issuing authority determines that a question of the defendant's financial ability to post sufficient collateral exists,

then the issuing authority may release the defendant from custody pending a Pa.R.Crim.P. 456 hearing on the next available hearing day in the issuing authority's magisterial district and direct the police officer to make a notation on the warrant return released for a Rule 456 hearing by District Justice together with the date and time the order was entered.)

- (H) No issuing authority serving on special assignment duty shall be required to respond to any request by a police officer to process a defendant arrested under Pa.R.Crim.P. Rule 431 unless the issuing authority on special assignment duty issued the arrest warrant being executed by the police officer.
- (I) The issuing authority's warrant of arrest shall be the exclusive form for use by a police officer to issue a receipt for fines and costs or collateral accepted by the police officer where the defendant has been found.
- (J) The issuing authority shall forthwith, upon receipt of a plea and payment, recall its issued warrant(s). The issuing authority shall thereafter confirm the timely return of the recalled warrant(s).
- (K) The issuing authority shall not authorize payment or accept a return of service of an arrest warrant where the defendant has been found when the return of service is:
 - (1) not a carbon copy of the receipt issued to the defendant setting forth the amount of fine and costs or collateral received from the defendant; and
 - (2) is not signed by the defendant and the police officer; or
 - (3) which is not otherwise designated "released for a Rule 456 hearing by District Justice _____" as provided for herein;
 - (4) however, the issuing authority shall accept in lieu of the defendant's signature the police officer's certification, "defendant refused to sign" as full compliance with the procedures set forth herein for return of a warrant of arrest where the defendant has been found.
- (L) The issuing authority shall authorize and make payment of a warrant fee for the execution of an arrest warrant when the defendant has not been found at the time the arrest warrant is executed and:
 - (1) the police officer has provided a notice to respond to the defendant as addressed on the warrant that includes therein:
 - i. a place for the defendant's signature; and
 - ii. a place for entry of a plea of guilty or not guilty; and

iii. a notice that all payments shall be made payable to the Magisterial Court of the issuing authority that issued the arrest warrant; and

iv. a notice of the total amount due including all costs for service of the warrant of arrest; and

v. the police officer has verified on return of the warrant that the police officer attempted service on the defendant as addressed and that the police officer left a notice to respond described herein;

(2) the issuing authority has received payment from the defendant together with a signed plea;

(3) the issuing authority shall then authorize and make payment for service of the warrant in the same manner as the return of service where the defendant is found.

(M) The issuing authority shall authorize and make payment of a nulla bono fee for the execution of an arrest warrant where the defendant has not been found when the arrest warrant was executed and:

(1) the police officer has made an actual attempt at service; and

(2) has properly completed an affidavit that the defendant was not found as addressed on the warrant; and

(3) the police officer leaves a notice to the defendant as addressed on the warrant in the same manner as prescribed in section (m) above.

(N) Issuing authorities shall require police officers to complete requests for payment due to police officers for all warrants of arrest where the defendant has been found and a proper return of service has been completed.

(O) The issuing authority shall complete payment forms for payments due to police officers for execution of warrants where the defendant was not found but has responded by written plea and payment as a result of the police officer having left notice at the defendant's residence.

(P) During normal business operation of magisterial office, all requests for payments for properly executed warrants and returns of service which have been submitted by approved police officers or completed by the issuing authority's staff by noontime on Wednesday of any work week will be paid by 4 p.m. Friday of the same work week.

(Q) All arrest warrants issued pursuant to Pa.R.Crim.P. 431 by an issuing authority shall be required to be returned by the police officer to whom they were issued within ninety (90) days after the date issued. An issuing authority shall have the discretion to reissue any warrants so returned for an additional sixty (60) days upon good cause shown.

See Form

