

RULE 529. Modification of Bail Order Prior to Verdict

[A. Upon filing any motion to modify or reinstate bail, the moving party shall schedule a conference with the business judge by communicating directly with such judge's chambers. An unopposed motion may be presented to the business judge at any time provided that it contains written verification by the opposing party of the lack of opposition.]

A. Any unopposed motion to modify or reinstate bail may be presented to the business judge at any time provided that it contains written verification by the opposing party of lack of opposition. Any such motion shall be presented in person by the moving party. Thereafter, any executed order shall be immediately filed with the Clerk of Courts.

[B. The conference may occur in chambers or in the courtroom at the discretion of the business judge.]

B. All opposed motions to modify or reinstate bail shall be filed with the Clerk of Courts Office. The Clerk of Courts Office shall send a copy of the motion to Court Administration for scheduling. Hearings relative to these motions will be scheduled during sessions of Rule 150 hearings, which are generally scheduled on Monday, Wednesday, and Fridays at 1:30 p.m. Counsel will be provided with not less than forty-eight (48) hours' notice of the scheduled hearing. Such notice will also be provided to the Office of Bail Administration and Pre-Trial Services with respect to any defendant under their active supervision. Moving party shall include the Office of Bail Administration as a party to be served if the defendant is under active supervision with their office. Court Administration will then present the business judge with the motion and scheduling order for signature. The motion and signed scheduling order will be sent to the Clerk of Courts Office for service.

[C. At least twenty-four hours before the conference, the moving party shall serve a copy of the motion on the opposing party or counsel for the opposing party, including notice of the date, time and place of the conference.]

C. The Clerk of Courts office will serve a copy of the motion and scheduling order to counsel for all parties, or upon any unrepresented parties, including notice of the date, time and place of the scheduled hearing.

[D. For purposes of this rule, “business judge” is the assigned business judge on the date of the scheduled conference.]

[E] D. All orders modifying or reinstating bail shall be filed immediately with the Clerk of Courts. In cases pending in Court or in an appellate court, the Clerk of Courts shall immediately serve the Lancaster County Prison a copy of the order by facsimile or other electronic means when the order accomplishes any of the following:

1. Reinstates bail to a monetary condition where the bail has previously been posted and not withdrawn;
2. Reinstates bail to ROR, unsecured or a non-monetary condition; or
3. Modifies bail to ROR, unsecured or a non-monetary condition.

In all other cases pending before the Court or in an appellate court, the Clerk of Courts, unless the Court explicitly orders to the contrary, shall not be required to serve the Lancaster County Prison a copy of the order until the actual satisfaction of the full amount of any monetary condition of bail.

[F] E. In cases pending before a **[district justice] magisterial district judge**, service of an order on the **[district justice] magisterial district judge**, may be effectuated by any of the following:

1. The Clerk of Courts' delivery of a certified copy by regular or interdepartmental mail;

2. The moving party's personal service of a certified copy at the regular office of the **[district justice] magisterial district judge**; or

3. The moving party's transmitting a copy to the **[district justice] magisterial district judge** by facsimile or other electronic means and simultaneously sending a certified copy to the **[district justice] magisterial district judge** by regular or interdepartmental mail.

[G] F. In cases pending before a **[district justice] magisterial district judge** when the Court has modified bail, the **[district justice] magisterial district judge** shall issue a new bail bond in either of the following:

1. The **[district justice's] magisterial district judge's** directing a constable to transport the defendant to the office of the **[district justice] magisterial district judge**, whereupon the defendant can execute the new bail bond; or,

2. Where the modified bail does not have a monetary condition, the **[district justice] magisterial district judge** shall transmit by facsimile **or other electronic means** a new bail bond to the Lancaster County Prison, whereupon prison personnel shall act as the authorized agent of the **[district justice] magisterial district judge** and secure the defendant's execution of the new bail bond.

A defendant proceeding under **[G] F(2)** shall comply with **[F] E(3)** and shall serve a certified copy of the order on the Lancaster County Prison.

[H. Nothing in this rule shall affect the right of the Commonwealth or the defendant to request a bail hearing.]