

**IN THE COURT OF COMMON PLEAS OF
CLARION COUNTY, PENNSYLVANIA**

IN RE: ADOPTION OF LOCAL RULES :
OF ADMINISTRATIVE PROCEDURE :
– CUSTODY OF EXHIBITS : **174 CD 2024**

ORDER OF COURT

And Now, this 29TH day of February, 2024, effective April 1, 2024 or thirty (30) days after publication in the *Pennsylvania Bulletin*, in accordance with Pa.R.J.A. 5101-5105, which address Custody of Exhibits in Court Proceedings and were issued by an Order of the Pennsylvania Supreme Court (to take effect on April 1, 2024), the Local Rules of the Clarion County Court of Common Pleas are hereby amended to include the new local rules 5102, 5103 and 5104 which are set forth below.

The Clarion County District Court Administrator is Ordered and Directed to do the following:

1. File one (1) copy with the Administrative Office of Pennsylvania Courts via email to admin.rules@pacourts.us.
2. File two (2) paper copies and one (1) electronic copy in a Microsoft Word format only to bulletin@palrb.us with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
3. Publish these Rules on the Clarion County Court website at www.co.clarion.pa.us
4. Incorporate the local rules into the set of Clarion County local rules within thirty (30) days after the publication of the local rules in the *Pennsylvania Bulletin*.
5. File one (1) copy of the local rules in the appropriate filing office for public inspection and copying.

By the Court

S/ Sara J. Seidle-Patton

SARA J. SEIDLE-PATTON,
President Judge

LOCAL RULES OF ADMINISTRATIVE PROCEDURE

Local Rules 5102, 5103 and 5104 are issued to align Clarion County Court of Common Pleas practice and procedure with Pa.R.J.A. 5101 – 5105. Reference to Pa.R.J.A. 5102 – 5105 shall be made when interpreting Clarion County Local Rules 5102, 5103 and 5104 and when determining the procedure and practice for custody of exhibits and exhibit retention in Clarion County.

Rule 5102. Custody of Exhibits. General Provisions.

(a) The bailiff, or bailiff's designee, of a court proceeding shall be designated as the "custodian," as defined by Pa.R.J.A. 5101(a)(2), for all documentary exhibits, photographs, and photographs of non-documentary exhibits accepted or rejected during the court proceeding and shall continue as custodian of all documentary exhibits, photographs and photographs of non-documentary exhibits after the court proceeding.

(b) The custodian shall utilize an Index of Exhibits form prescribed by the court to record all exhibits offered in a court proceeding in accordance with Pa.R.J.A. 5102(b)(2).

(c) The custodian serving at the conclusion of the proceeding shall file with the appropriate records office all submitted exhibits and index of exhibits within 5 business days of the conclusion of the proceeding.

(d) The proponent shall retain custody of non-documentary exhibits, including, but not limited to weapons, cash, other items of value, drugs, or other dangerous materials and bulky, oversized, or otherwise physically impractical exhibits at all times during and after a court proceeding and must appropriately secure and maintain all such exhibits.

Rule 5103. Custody of Exhibits. Special Provisions.

(1) Non-documentary exhibits must be photographed by the proponent, converted to 8 ½ x 11 sized documents, and appropriately marked and produced to the custodian during the court proceeding.

(2) Unless otherwise provided by the presiding judge, at the conclusion of the court proceeding, non-documentary evidence shall be returned to the proponent for safekeeping as required by any applicable retention schedule, statute, rule, regulation, or policy, or until further order of court.

(3) Unless otherwise ordered, the proponent shall maintain non-documentary exhibits for the following time periods:

i. *Non-criminal matters.* Retain exhibits until the later of the expiration of the appeal period or final disposition of the appeal if one is taken.

ii. *Criminal matters:*

1. Homicides. Retain exhibits 75 years.

2. Summary cases. Retain exhibits 5 years.

3. Other cases. Retain exhibits 20 years.

(b) Any digital exhibit that cannot be printed (i.e., audio or video recording) shall be entered into the record on a Universal Serial Bus (USB) flash drive (or other format if expressly approved by the court). If one party has multiple digital exhibits, they may be submitted together on one USB flash drive.

(c) Any exhibit containing confidential information or equivalent to any of the categories enumerated in Pa. Access Policy § 8.0 shall include a Confidential Document Form so that the document can be properly sealed by the records office.

Rule 5104. Exempt Proceedings.

Any record hearing that may be appealed *de novo* to the Court of Common Pleas or upon which exceptions or objections can be filed to the Court of Common Pleas shall be exempt from the custody of exhibits procedures set forth in Rules 5102 and 5103. These hearings shall include, but are not limited to, divorce master's hearings, arbitration hearings, and hearings before a Domestic Relations hearing officer.
