

1 IN THE COURT OF COMMON PLEAS OF ADAMS COUNTY, PENNSYLVANIA

2 Administrative Order

3 Number 17 of 2015

4 In Re: Amendment of Adams County Rules of Criminal Procedure 705.1(D)

5 **ORDER OF COURT**

6 AND NOW, this 27th day of March, 2015, the Court hereby Orders that Rules 705.1(D) of the
7 Adams County Rules of Criminal Procedure shall be amended as follows:

8 Rule 705.1. Conditions of Probation, Intermediate Punishment and Parole.

9 (D) Conditions:

10 Until changed by rule or administrative order, conditions of probation, parole and intermediate
11 punishment are established in accordance with the following forms:

12 [(Caption)

13 Instructions to defendant: You must comply with all conditions identified as standard by an
14 asterisk (*) and all special conditions which have been checked. You have; have not been
15 classified as a sexual offender and are; are not required to comply with SO conditions.

16 COUNSELING

17 and

18 ALCOHOL AND CONTROLLED SUBSTANCES

19 1. YOU MUST NOT:

20 *a. Use non-prescribed controlled substances.

21 *b. Become drunk or publicly intoxicated.

22 ____ c. Consume alcoholic beverages.

23 *d. Enter or remain in any bar, tavern, or other drinking establishment, or any

24 establishment selling alcoholic or malt beverages, including State Liquor Stores, without

25 consent from the Probation Office

1 *e. Consume alcoholic beverages until this condition (e) has been waived in writing by the
2 Probation Office.

3 2. YOU MUST:

4 *a. Agree to have your blood, breath, or urine tested as directed by the Probation
5 Office or Prison Officials to determine if you are alcohol and/or drug free.

6 ___ b. Attend counseling or therapy sessions related to drug and alcohol abuse as
7 directed by the Probation Office.

8 ___ c. Complete the alcohol safe driving school.

9 ___ d. Attend mental health counseling and therapy programs as the Probation Office directs.

10 PERSONAL CONDUCT

11 3. YOU MUST:

12 *a. Avoid any violation of the law.

13 *b. Report any arrest to your Probation Officer.

14 *c. Avoid association with persons having serious criminal records and reputations for criminal
15 conduct.

16 *d. Report to the Probation Office when directed.

17 *e. Obey all directions given by any Probation/Parole Officer.

18 *f. Avoid any contact which might cause fear, annoyance, or alarm to the victim of any case
19 where charges have been filed against you.

20 *g. Be in your home and obey any curfew established by the Probation Office.

21 *h. Obey all Prison rules, including those imposed while participating in the work release
22 program.

23 4. YOU MUST:

24 *a. If directed by your Probation Officer as soon as possible you must obtain and
25 maintain a steady job.

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- *b. Avoid causing the loss of any job you get.
- *c. Notify the Probation Office of any change in your present employment status.

FINANCIAL OBLIGATIONS

5. YOU MUST:

- *a. Pay your debts, especially court ordered for the support of any other person.
- *b. Pay court costs, fines and restitution on such payment plan as may be established by the Probation Office.
- *c. Pay the costs of required counseling, therapy and treatment programs.

PUBLIC SERVICE

6. YOU MUST:

- *a. Unless this condition is waived by a judge, perform public service. If no other period is designated, you must perform forty (40) hours. If another period is designated, you must perform that amount. Service shall be arranged by Public Service Director for Adams County
- ___ b. Perform ___ hours of public service.

RESIDENCE

7. YOU MUST:

- *a. Notify the Probation Office of any change of mailing address or physical residence.
- *b. Obtain prior written permission from the Probation Office to leave Adams County or county of legal residence for any period of time in excess of twenty-four (24) hours unless prior permission is obtained by the Probation Office.
- *c. Consent, as a condition of Probation/Parole, to warrantless searches of your residence by any Probation/ Parole Officer based upon any suspicion that the residence contains contraband or other evidence of probation or parole violations.
- *d. Waive extradition procedures and rights, including the right to be taken before a judge in

1 another state, with respect to violations of probation or parole conditions.

2 WEAPONS

3 8. YOU MUST NOT:

4 *a. Possess a firearm or any other deadly weapon if:

5 i. You have been convicted of a felony and/or are prohibited by Federal and State Law.

6 ii. Your current offense is for a firearms or deadly weapon violation.

7 iii. Possession is prohibited by a court order.

8 SO Conditions:

9 all conditions apply

10 all conditions apply except

11 _____

12 9. YOU MUST NOT POSSESS ANY OF THE FOLLOWING ITEMS, WITHOUT THE
13 APPROVAL OF YOUR PROBATION OFFICER:

14 i. Badges, uniforms, weapons or other indicia of official authority,

15 ii. Chains, handcuffs, ropes or lines intended or designed as restraints,

16 iii. Children's clothing,

17 iv. Masks and disguises,

18 v. Photographs, video or films depicting or showing nudity,

19 vi. Photographs of the victim,

20 vii. Pornography.

21 10. YOU MUST NOT WITHOUT YOUR PROBATION OFFICER'S APPROVAL:

22 i. use fictitious names, other than those registered for legitimate business purposes.

23 ii. have any contact with children, other than those specifically authorized by your probation
24 officer, and subject to conditions imposed by your probation officer,

25 iii. enter or remain upon school property, playgrounds or places where children congregate,

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iv. linger, loiter or prowl in the vicinity of schools, playgrounds or places where children congregate.

v. use a public street or sidewalk that passes such a location, except for legitimate purposes of travel, or movement. In such a case, your use shall be limited in time and purpose to expeditiously traveling from one legitimate location to another.

vi. Rent or maintain a post office box, or receive mail at any location that does not identify your actual residence, without authorization from your probation officer

Witness

Defendant

Date]

STANDARD RULES OF SUPERVISION FOR PROBATION, INTERMEDIATE PUNISHMENT AND PAROLE

The Adams County Court of Common Pleas has conditionally released/ placed you under the supervision of the Adams County Department of Probation Services. You must comply with all supervision rules and conditions set forth. If you violate any of these rules of supervision the Department of Probation Services has the authority to arrest or detain you and return your case to court for revocation proceedings.

- 1. You must not commit any violation of the law.**
- 2. You must refrain from any assaultive behavior which threatens or presents a danger to yourself or others. You will not annoy or harass any victim or witness of your crime.**
- 3. You must report as directed, by any Probation Officer, and comply with all written or verbal instructions including all Community Re-entry Rules and Guidelines if a re-**

1 entry, work release, or house arrest participant.

2 4. You must agree to permit any Probation/Parole Officer, to search your person,
3 enter into and search your residence, vehicle or any other property under your control without
4 warrant at any time upon reasonable suspicion of violation and to ensure compliance with all
5 conditions of your sentence.

6 5. You may not have any prohibited offensive weapons or firearms on your person,
7 in your residence or in your vehicle while on active Probation/ Parole/ IPP supervision, unless
8 otherwise waived by the court.

9 6. You must obtain permission to change your residence and shall notify Probation
10 within 24 hours of that change. You will not be permitted to reside with persons on active
11 probation or parole supervision, unless approved by your Probation Officer.

12 7. You must report all police or law enforcement contact to your Probation Officer
13 within the next business day.

14 8. Unless classified as physically or mentally disabled, you must find and maintain
15 employment and report any changes to employment within 24 hours. If you are a juvenile, you
16 must attend school every day that school is in session and obey all rules of the school authority.

17 9. You must complete ____ hours of community service.

18 10. You must not leave the Commonwealth of Pennsylvania for more than 24 hours or
19 stay overnight at any place other than your approved residence without obtaining written or
20 verbal permission.

21 11. You must comply with all Court-ordered financial obligations including the
22 payment of child support.

23 12. You must abide by the following designated curfew until modified at the
24 discretion of your Probation Officer:

25 Adults: 10:00 p.m. Juveniles: 9:00 p.m.

1 **13. You must not possess or use any non-prescribed controlled substances and**
2 **provide proof of any valid prescriptions as directed to do so.**

3 **14. You must submit to blood/urine testing as required by the Department of**
4 **Probation Services. Specimen must be provided within 2 hours of request, and be of sufficient**
5 **quality and quantity for chemical testing.**

6 **15. You must comply with all specific conditions dictated by the Court within your**
7 **most recent sentencing, juvenile dispositional or supervised bail order (s) on the Case (s) noted**
8 **above.**

9 **16. You must complete all Court-ordered evaluations or assessments. You must**
10 **participate in and successfully complete any programs of treatment or counseling recommended**
11 **by any Drug and Alcohol or Mental Health evaluation or assessment.**

12 **Alcohol related offenses and/or persons under 21 years of age**

13 **You may not consume or possess alcohol. If you are prohibited from consuming**
14 **alcoholic beverages, any blood/breath or urine testing positive for alcohol will be considered a**
15 **violation.**

16 **Juveniles**

17 **You are immediately subject to electronic monitoring and/or house arrest.**

18 **Sex Offenses**

19 **I acknowledge that I have received a copy of the sex offender rules.**

20 **SEX OFFENDER RULES OF SUPERVISION**

21 **1. You shall obtain a sex offender evaluation from a certified sex offender treatment**
22 **provider and follow through with the recommendations resulting therefrom and shall assume all**
23 **responsibility for the costs of any required program. You shall provide written authorization for**
24 **release of confidential information between your sex offender treatment provider and the Adams**
25 **County Department of Probation Services.**

1 2. **You shall submit to regular polygraph examinations as directed by the treatment**
2 **provider. You are responsible for the cost of this service.**

3 3. **If your offense involved a minor, you shall not frequent places where children**
4 **congregate including but not limited to, parks, playgrounds, swimming pools, schools, malls,**
5 **arcades. You shall not engage in any activity that will bring you in close contact with children.**
6 **(This rule may be waived by your probation officer for school attendance purposes if you are a**
7 **juvenile.)**

8 4. **If your offense involved a minor, you are not permitted to reside with minor**
9 **children without permission from the Court.**

10 5. **You will not possess pornographic materials of any kind, including photographs,**
11 **movies, or computer generated images depicting or showing nudity. You may not possess images**
12 **of your victim. You shall not enter adult book stores, adult entertainment clubs, massage parlors**
13 **or any other establishment, that promote sexual material or objectifies males or females.**

14 6. **For monitoring purposes, you are subject to search of cell phone, camera,**
15 **computer, gaming device and their accessories that may be viewed and or scanned at any time to**
16 **detect pornographic or sexually explicit content. If approved to possess or use a computer you**
17 **will agree to have a technology monitoring device installed on any computers you are authorized**
18 **to possess or have access to and you will sign and agree to the conditions of Sex Offender**
19 **Computer Use and Internet Access Agreement.**

20 7. **You will comply with all sex offender registration and statutory requirements if**
21 **applicable.**

22 8. **You shall obtain permission from a Probation Officer before leaving the County**
23 **of Adams and you must secure travel permission before leaving the Commonwealth of PA.**

24 9. **You shall not receive mail at any other location than your home residence address**
25 **without your Probation Officers approval.**

1 **SEX OFFENDER SUPERVISION PROGRAM**

2 **COMPUTER USE AND INTERNET ACCESS AGREEMENT**

3 **In being granted the privilege of using a computer while under Sex Offender Supervision**
4 **and/or having access to the Internet, I hereby agree to the following:**

5 **1. I will provide a written justification for my possession and use of a computer,**
6 **Internet access, and/or use of any e-mail systems.**

7 **2. I agree to the installation of Court-authorized technology on my devices with**
8 **Internet access to monitor nature and content of materials accessed or viewed, and any**
9 **examination/search of my computer or electronic devices.**

10 **3. I will only use the computer and/or Internet Service Provider approved by my**
11 **Probation Officer.**

12 **4. I will not enter or participate in any social media or chat rooms of any type.**

13 **5. I will not access any site that contains sexually explicit or pornographic material**
14 **depicting nudity.**

15 **6. I will not possess sexually graphic material on any electronic device or mechanism**
16 **that can hold such material for visual use.**

17 **7. I will not use any encryption devices on my computer. I will supply my Probation**
18 **Officer with any and all passwords and/or e-mail addresses used on my computer.**

19 **8. I recognize I am responsible for all material and information on my computer**
20 **regardless if other individuals have access to or use my computer.**

21 **9. I agree to supply documentation of telephone records, credit card records, or**
22 **invoices relating to the use of my computer and/or Internet access.**

23 **10. I understand that any non-compliance with this agreement, deception on my part,**
24 **lack of cooperation or resistance to providing requested information will be grounds for this**
25 **privilege being revoked and/or violation proceedings being initiated.**

1 **STANDARD RULES OF SUPERVISION FOR CONTEMPT FOR FAILURE TO PAY**

2 **1. You may purge yourself of Contempt by the payment of \$ _____ which is**
3 **payable to the Adams County Clerk of Courts**

4 **2. You must notify your supervising Probation Officer and provide documentation**
5 **when payment is made.**

6 **3. You must report as ordered to the Adams County Adult Correctional Complex on**
7 **_____ at _____ if you have not paid the purge amount. Failure to report to**
8 **ACACC after failing to purge will result in the filing of escape charges.**

9 **4. You must report as directed to the Adams County Department of Probation**
10 **Services.**

11 **5. You must notify the Probation Department in advance of any changes to your**
12 **mailing address or physical address.**

13 **6. You must comply with any and all other specific conditions dictated by the court**
14 **within your sentence order dated, _____.**

15 These rule amendments shall become effective after all the provisions of the Pennsylvania
16 Rules of Criminal Procedure are met, to include the following:

- 17 a. A certified copy of this order shall be submitted to the Criminal Procedural Rules
18 Committee for review in accordance with Pa. R.Crim.P. No. 105(D) ;
- 19 b. Upon receipt of a statement from the Criminal Procedural Rules Committee that the local
20 rules is not inconsistent with any general rule of the Supreme Court, two (2) certified
21 copies of this Order together with a computer diskette that complies with the requirement
22 of 1 Pa. Code §13.11 (b), or other compliant format, containing the text of the local rule(s)
23 adopted hereby shall be distributed to the Legislative Reference Bureau for publication in
24 the Pennsylvania Bulletin;
- 25

- 1 c. One (1) certified copy of this Order shall be forwarded to the Administrative Office of the
2 Pennsylvania Courts for distribution in accordance with the provisions of Pa. R.Crim.P. No.
3 105(F)(1);
- 4 d. A copy of the local rule shall be published on the Unified Judicial System's website.
- 5 e. This Order shall be filed in the Office of the Prothonotary of Adams County and a copy
6 thereof shall be filed with the Adams County Clerk of Courts and the Adams County Law
7 Library for inspection and copying;
- 8 f. The effective date of the local rule shall be 30 days after publication in the Pennsylvania
9 Bulletin;
- 10 g. Upon the effective date of the local rule, these conditions shall be applicable to any person
11 sentenced, adjudicated, resentenced, or paroled on or after that date.
- 12 h. Upon the effective date of the local rule, the Rules of Probation as described in
13 Administrative Order 14 of 2003 shall be applicable only to those persons sentenced,
14 resentenced, or paroled prior to the effective date of the local rule described herein.
- 15 i. In order to avoid a long-term, bifurcated approach to the Rules of Probation, the
16 Department of Probation Services shall also execute the appropriate updated form(s) with
17 all existing persons subject to conditions of probation or parole in any form established
18 prior to the effective date of the local rule. Due to the number of persons involved, the
19 Department of Probation Services will have six months from the effective date of the local
20 rule to complete this provision. After six months from the effective date of the local rule,
21 Administrative Order 14 of 2003 shall be vacated.
- 22 j. In the event a person subject to the Rules of Probation as described in Administrative Order
23 14 of 2003 has not signed the updated conditions described herein before the time that
24 Administrative Order 14 of 2003 is to be vacated, regardless of the reason, the Department
25 of Probation Services will initiate revocation proceedings prior to Administrative Order 14
of 2003 being vacated. If the person is subject to a bench warrant at the time this rule

1 becomes effective, the Department of Probation Services shall, prior to Administrative
2 Order 14 of 2003 being vacated, submit an Amended Violation Report to indicate that the
3 person has not followed the directive of the Department of Probation Services to sign the
4 updated form(s). If, for some reason, the Department of Probation Services had not initiated
5 revocation proceedings in conjunction with the issuing of the bench warrant, the
6 Department of Probation Services shall initiate revocation proceedings due to the failure of
7 the person to sign the updated conditions.

8 BY THE COURT,

9
10 MICHAEL A. GEORGE

11 President Judge

- 12 Judge John D. Kuhn
- 13 Judge Robert G. Bigham
- 14 Judge Thomas R. Campbell
- 15 Court Administration
- 16 Clerk of Court's Office
- 17 Department of Probation Services
- 18 District Attorney's Office
- 19 Public Defender's Office
- 20 Sheriff's Department
- 21 wlc

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