

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

2 Administrative Order

3 Number 5A of 2022

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

5 **ORDER OF COURT**

6 AND NOW, this 10<sup>th</sup> day of August, 2022, the Court hereby vacates Administrative Order 5 of  
7 2022, filed of record on August 8, 2022. Furthermore, the Court hereby enters the following Order that  
8 Rule 705.1(D) of the Adams County Rules of Criminal Procedure shall be amended as to the Sex  
9 Offender Rules of Supervision and Computer Use/Internet Capable Device and Internet Access  
10 Agreement sections only, as follows:

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

12 (D) Conditions:

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

15 ...

16 **SEX OFFENDER RULES OF SUPERVISION**

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

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

24 3. If your offense involved a minor, you shall not frequent places where children  
25 congregate including but not limited to, **religious services [parks]**, playgrounds, swimming pools,

1 schools, malls, arcades. You shall not engage in any activity **or employment** that will bring you in  
2 close contact with children **unless you receive permission from your Probation Officer.** [(This rule  
3 may be waived by your probation officer for school attendance purposes if you are a juvenile.)]

4 4. If your offense involved a minor, you are not permitted to reside with minor children  
5 without permission from the Court; **this includes children within your family. You will not have any**  
6 **contact with minor children without permission from your Probation Officer, or a Court Order.**  
7 **If supervised contact is permitted, the individual who provides the supervision must first be**  
8 **approved by your Probation Officer and the treatment provider.**

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

13 **6. You may not possess images of your victim(s) in any format.**

14 **7. You will sign and agree to the conditions of the Sex Offender Internet Capable**  
15 **Device and Internet Access Agreement.**

16 **8. [6.]** For monitoring purposes, you are subject to search of cell phone, camera/**video**  
17 **recorder**, computer, gaming device and their accessories, **and any other device capable of internet**  
18 **access. These items [that]** may be viewed and/or scanned at any time to detect pornographic or  
19 sexually explicit content. **You** will agree to have a technology monitoring device **or**  
20 **program** installed on any computer[s] **or device** you are authorized to possess or **to which you** have  
21 access **if your certified sex offender treatment provider recommends or if there is a violation of**  
22 **any of these sex offender conditions or the Sex Offender Internet Capable Device and Internet**  
23 **Access Agreement [to and you will sign and agree to the conditions of Sex Offender Computer**  
24 **Use and Internet Access Agreement].**

25 **9. [7.]** You will comply with all sex offender registration and statutory requirements if

1 applicable. You must provide fingerprints, palm prints, DNA sample and photograph, pursuant to  
2 42 Pa.C.S.A. 9799.23(a)(4).

3 10. [8.] You shall obtain permission from a Probation Officer before leaving the [County of  
4 Adams and you must secure travel permission before leaving the] Commonwealth of PA.

5 11. [9.] You shall not receive mail at any other location than your home residence address  
6 without your Probation Officers approval.

7 12. You are required to sign "Release of Information" forms as directed.

8 SEX OFFENDER SUPERVISION PROGRAM

9 INTERNET CAPABLE DEVICE [COMPUTER USE] AND INTERNET ACCESS AGREEMENT

10 I understand I am permitted to have access to internet capable devices and internet unless  
11 my certified sex offender treatment provider recommends restricting access.

12 [In being granted the privilege of using a computer while under Sex Offender Supervision  
13 and/or having access to the Internet,] I hereby agree to the following:

14 1. I will only use the internet capable devices and/or internet provider approved by  
15 my Probation Officer and my certified sex offender treatment provider [provide a written  
16 justification for my possession and use of a computer, Internet access, and/or use of any e-mail  
17 systems.]

18 2. I will not enter or participate in any social media or chat rooms of any type unless  
19 I have been approved to do so by my certified sex offender treatment provider [agree to the  
20 installation of Court-authorized technology on my devices with Internet access to monitor nature  
21 and content of materials accessed or viewed, and any examination/search of my computer or  
22 electronic devices].

23 3. I will not access any site that contains sexually graphic material unless I have been  
24 approved to do so by my certified sex offender treatment provider [only use the computer and/or  
25 Internet Service Provider approved by my Probation Officer].

1           4.       I will not possess sexually graphic material on any internet capable device or  
2 mechanism that can hold such material for visual use unless I have been approved to do so by my  
3 certified sex offender treatment provider [enter or participate in any social media or chat rooms  
4 of any type].

5           5.       I will not use any encryption devices on my internet capable device. I will supply  
6 my Probation Officer with any and all passwords and/or e-mail addresses used on my internet  
7 capable device [access any site that contains sexually explicit or pornographic material depicting  
8 nudity].

9           6.       I recognize I am responsible for all material and information on my internet  
10 capable device regardless if other individuals have access to or use my internet capable device  
11 [will not possess sexually graphic material on any electronic device or mechanism that can hold  
12 such material for visual use].

13           7.       I agree to any search of the content of my internet capable device [will not use any  
14 encryption devices on my computer.] I will supply my Probation Officer with any and all passwords  
15 and/or e-mail addresses used on my computer.

16           8.       I agree to supply documentation of telephone records, credit/debit card records,  
17 or invoices relating to the use of my internet capable device and/or internet access [recognize I am  
18 responsible for all material and information on my computer regardless if other individuals have  
19 access to or use my computer].

20           9.       I understand that any non-compliance with this agreement, deception on my part,  
21 lack of cooperation or resistance to providing requested information will be grounds for violation  
22 proceedings being initiated [agree to supply documentation of telephone records, credit card  
23 records, or invoices relating to the use of my computer and/or Internet access].

24           10.      I understand that if my certified sex offender treatment provider recommends or if  
25 there is a violation of this agreement, I am subject to having a technology monitoring

1 **device/program installed on any internet capable device I am authorized to possess or to which I**  
2 **have access [any non-compliance with this agreement, deception on my part, lack of cooperation**  
3 **or resistance to providing requested information will be grounds for this privilege being revoked**  
4 **and/or violation proceedings being initiated].**

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

- 7 a. A certified copy of this order shall be submitted to the Criminal Procedural Rules  
8 Committee for review in accordance with Pa. R.Crim.P. No. 105(D) ;
- 9 b. Upon receipt of a statement from the Criminal Procedural Rules Committee that the local  
10 rules is not inconsistent with any general rule of the Supreme Court, two (2) certified  
11 copies of this Order together with a computer diskette that complies with the requirement  
12 of 1 Pa. Code §13.11 (b), or other compliant format, containing the text of the local rule(s)  
13 adopted hereby shall be distributed to the Legislative Reference Bureau for publication in  
14 the Pennsylvania Bulletin;
- 15 c. One (1) certified copy of this Order shall be forwarded to the Administrative Office of the  
16 Pennsylvania Courts for distribution in accordance with the provisions of Pa. R.Crim.P. No.  
17 105(F)(1);
- 18 d. A copy of the local rule shall be published on the Unified Judicial System's website.
- 19 e. This Order shall be filed in the Office of the Prothonotary of Adams County and a copy  
20 thereof shall be filed with the Adams County Clerk of Courts and the Adams County Law  
21 Library for inspection and copying;
- 22 f. The effective date of the local rule shall be 30 days after publication in the Pennsylvania  
23 Bulletin;
- 24 g. Upon the effective date of the local rule, these conditions shall be applicable to any person  
25 sentenced, adjudicated, resentenced, or paroled on or after that date.

1 h. Upon the effective date of the local rule, the Sex Offender Rules of Supervision and the Sex  
2 Offender Supervision Program Computer Use and Internet Access Agreement as described  
3 previously in Administrative Order 17 of 2015 shall be applicable only to those persons  
4 sentenced, resentenced, or paroled prior to the effective date of the local rule described  
5 herein.

6 i. In order to avoid a long-term, bifurcated approach to the Rules of Probation, the  
7 Department of Probation Services shall also execute the appropriate updated form(s) with  
8 all existing persons subject to sex offender conditions of probation or parole in any form  
9 established prior to the effective date of the local rule. Due to the number of persons  
10 involved, the Department of Probation Services will have two months from the effective  
11 date of the local rule to complete this provision. After two months from the effective date  
12 of the local rule, the Sex Offender Rules of Supervision and the Sex Offender Supervision  
13 Program Computer Use and Internet Access Agreement as described in Administrative  
14 Order 17 of 2015 shall be vacated.

15 j. In the event a person subject to the Rules of Probation as described in Administrative Order  
16 17 of 2015 has not signed the updated conditions described herein before the time that said  
17 conditions described in Administrative Order 17 of 2015 is to be vacated, regardless of the  
18 reason, the Department of Probation Services will initiate revocation proceedings prior to  
19 said conditions within Administrative Order 17 of 2015 being vacated. If the person is  
20 subject to a bench warrant at the time this rule becomes effective, the Department of  
21 Probation Services shall, prior to said conditions within Administrative Order 17 of 2015  
22 being vacated, submit an Amended Violation Report to indicate that the person has not  
23 followed the directive of the Department of Probation Services to sign the updated form(s).  
24 If, for some reason, the Department of Probation Services had not initiated revocation  
25 proceedings in conjunction with the issuing of the bench warrant, the Department of

1 Probation Services shall initiate revocation proceedings due to the failure of the person to  
2 sign the updated conditions.

3  
4 BY THE COURT,

5  
6 MICHAEL A. GEORGE

7 President Judge

8 df

9 Board of Judges/Executive Assistants to the Board of Judges

10 Court Administration

11 Clerk of Courts Office

12 Department of Probation Services

13 Office of the District Attorney

14 Office of the Public Defender

15 Law Library

16 Adams County Bar Association

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