

RULE 131.2 DESIGNATION OF PITTSBURGH MUNICIPAL COURT; ACT 33 CASES

(a) This rule is applicable only to cases involving any child, as that term is defined in Subsection (1) of the definition of “Child” in 42 Pa.C.S. §6302, who is excluded from the Juvenile Act in accordance with Subsection (2)(ii) and (iii) of the definition of “Delinquent act” in 42 Pa.C.S. §6302 (hereinafter “excluded actor”).

(b) Pittsburgh Municipal Court is designated as the central site for all filings of criminal complaints, all preliminary arraignments, whether live or by use of advanced communication technology, and for all preliminary hearings for excluded actors.

(c) Magisterial district judges and senior magisterial district judges assigned to Pittsburgh Municipal Court are authorized to conduct preliminary arraignments and preliminary hearings wherein an excluded actor is charged with:

(1) Any of the following prohibited conduct where the child was 15 years of age or older at the time of the alleged conduct and a deadly weapon as defined in 18 Pa.C.S. §2301 (relating to definitions) was used during the commission of the offense, which, if committed by an adult, would be classified as:

- (A) Rape as defined in 18 Pa.C.S. §3121.
- (B) Involuntary deviate sexual intercourse as defined in 18 Pa.C.S. §3123.
- (C) Aggravated assault as defined in 18 Pa.C.S. §2702(a)(1) or (2).
- (D) Robbery as defined in 18 Pa.C.S. §3701(a)(1)(i), (ii) or (iii).
- (E) Robbery of motor vehicle as defined in 18 Pa.C.S. §3702.
- (F) Aggravated indecent assault as defined in 18 Pa.C.S. §3125.
- (G) Kidnapping as defined in 18 Pa.C.S. §2901.
- (H) Voluntary manslaughter as defined in 18 Pa.C.S. §2503.
- (I) An attempt, conspiracy or solicitation to commit murder or any of these crimes, as provided in 18 Pa.C.S. §§901, 902 and 903.

(2) Any of the following prohibited conduct where the child was 15 years of age or older at the time of the alleged conduct and has been previously adjudicated delinquent of any of the following prohibited conduct which, if committed by an adult, would be classified as:

- (A) Rape as defined in 18 Pa.C.S. §3121.
- (B) Involuntary deviate sexual intercourse as defined in 18 Pa.C.S. §3123.
- (C) Robbery as defined in 18 Pa.C.S. §3701(a)(1)(i), (ii) or (iii).
- (D) Robbery of motor vehicle as defined in 18 Pa.C.S. §3702.
- (E) Aggravated indecent assault as defined in 18 Pa.C.S. §3125.
- (F) Kidnapping as defined in 18 Pa.C.S. §2901.
- (G) Voluntary manslaughter as defined in 18 Pa.C.S. §2503.
- (H) An attempt, conspiracy or solicitation to commit murder or any of these crimes as provided in 18 Pa.C.S. §§901, 902 and 903.

(d) The complaint and/or affidavit of probable cause, if applicable, shall include the basis for the arresting officer’s determination that an offense is excluded from the Juvenile Act in accordance with Subsection (2)(ii) and/or (iii) of the definition of “Delinquent act” in 42 Pa.C.S. §6302.

(e) Excluded actors shall be afforded preliminary arraignments pursuant to Pa.R.Crim.P. 540.

(f) The magisterial district judge may determine at the preliminary arraignment or at the preliminary hearing that the child is not an excluded actor. In such a case, the affiant may elect to proceed with a delinquency case based upon the same conduct of the child by contacting the Allegheny County Juvenile Probation Office Intake Division or, if the delinquency case implicates issuance of an arrest warrant, the affiant may submit a written allegation to the magisterial district judge, pursuant to Pa.R.J.C.P. 231, and request an arrest warrant, pursuant to Pa.R.J.C.P. 210. The arresting officer shall then comply with the dictates of Pa.R.J.C.P. 220.