

## **Rule 5102.1 Custody of Exhibits Generally.**

(a) **Application.** These Rules, 60<sup>th</sup> Jud. Dis. R. Jud. Adm. 5102.1 - 5105 and Pa. R.J.A. 5101-5105, shall apply to Court Proceedings as defined by Pa. R.J.A. 5101(a)(1).

### **(b) Index of Exhibits and Confidential Information.**

1. During all court proceedings, the court Stenographer/Transcriptionist shall maintain the index of exhibits. The court Stenographer/Transcriptionist shall utilize the index of exhibits form denoted at the end of these Rules.
2. In all court proceedings, the proponent shall include a properly completed confidential information form or confidential document form for any exhibit offered into evidence that contains confidential information or confidential documents as defined in the Case Records Public Access Policy of the Unified Judicial System of Pennsylvania. These forms shall be given by the proponent to the court Stenographer/Transcriptionist maintaining the Index of Exhibits at the time evidence is introduced.
3. The index of exhibits shall be filed of record with the corresponding Records Office, as defined by Pa. R.J.A 5101(a)(7), not later than five business days after the conclusion of the Court Proceeding pursuant to Pa. R.J.A. 5104(a)(2).

## **Rule 5102.2 Custody of Exhibits.**

(a) *During Court Proceedings.* The Court Stenographer/Transcriptionist shall be designated the Custodian of all exhibits admitted or rejected during a Court proceeding. The Court Stenographer/Transcriptionist shall secure and maintain all exhibits during the court proceeding, including breaks and recesses, except:

1. If a non-documentary exhibit is bulky, oversized, or physically impractical for the Custodian to maintain, the Custodian may direct that the Proponent offering the exhibit maintain custody of it, and secure it during the Court proceedings.
2. If weapons, cash, items of value, drugs, or dangerous materials are offered into evidence, the Proponent shall secure the exhibits while the Court proceeding is in session, and during all breaks and recesses.

(b) *After Court Proceedings.*

1. Within five days of the conclusion of any Court proceeding, the Court Stenographer/Transcriptionist shall transfer custody of all exhibits admitted or rejected during the Court proceeding to the Prothonotary, Clerk of the Criminal Court or Clerk of the Orphans' Court, as may be the applicable Records Office, which shall take custody of all exhibits, file all documentary exhibits and photographs, and secure and maintain all exhibits.
2. *Index of Exhibits.* Together with the exhibits from the Court Proceeding, the Court Stenographer/Transcriptionist shall provide a numbered list of exhibits to the Prothonotary, Clerk of the Criminal Court or Clerk of the Orphans' Court not later than five business days after the Court proceeding. For each exhibit, the Stenographer/Transcriptionist shall identify the Proponent, whether the exhibit was admitted or rejected from evidence, and a textual description or identification of the exhibit. The original index of exhibits shall be filed with the appropriate

Records Office simultaneously with the exhibits from the Court Proceeding. The Stenographer/Transcriptionist shall retain a copy of the index.

3. *Confirmation.* If exhibits are transferred from a Court Stenographer/Transcriptionist back to a Proponent-Custodian pursuant to subsection (a)(2) of this Rule, the Court Stenographer/Transcriptionist shall confirm that the Proponent-Custodian has provided the appropriate photographic exhibit as required by Rule 5103.1 (a) to the Court Stenographer/ Transcriptionist at the conclusion of the Court proceeding, unless the Court otherwise directed by the Court.

(c) *During and After Domestic Relations Master and Hearing Officer Proceedings.*

1. The Master or Hearing Officer conducting a Domestic Relations hearing shall be the Custodian of the exhibits admitted during the hearing—with the exception of weapons, cash, items of value, drugs or dangerous materials, which shall be retained by the Proponent during the proceeding.
2. The Master or Hearing Officer shall confirm that the Proponent-Custodian has transferred custody of any exhibit maintained in his/her custody during the proceeding to the Master or Hearing Officer at the end of the proceeding. Such latter exhibits shall be maintained by the appropriate filing office or as directed by the Hearing Officer or Master.
3. The Master or Hearing Officer shall file all exhibits, together with an index of the exhibits, with the Prothonotary within five business days of the filing of their Report and Recommendation with the Court. The exhibits index shall include a numbered list of exhibits, and for each exhibit shall identify the Proponent, whether the exhibit was admitted or rejected from evidence, and a textual description or identification of the exhibit.

**Rule 5103. Custody of Exhibits. Special Provisions.**

**(a) Photographs of Non-Documentary Exhibits.**

1. In advance of any court proceeding, the proponent shall prepare a physical, photographic copy of all non-documentary exhibits pursuant to Pa. R.J.A. 5103(b).
2. Any non-documentary exhibit shall be retained by the Proponent during and after the Court, Master, or Hearing Officer proceeding.
3. The non-documentary exhibit must be photographed in color by the Proponent and presented in a letter-sized form (8 1/2 by 11 inches) document for inclusion in the record prior to the end of the proceeding. The photograph shall be marked as an exhibit and identified in the exhibits index.

- (b) **Media & Videos.** Any media or videos presented at a Court Proceeding shall be retained by the proponent. The proponent shall submit a copy of the media or video on a portable Universal Serial Bus (USB) flash drive and it shall be entered into the record.

- (c) **Reproduction of Oversized or Voluminous Documentary Exhibits.** Where the

intended, original documentary exhibit(s) exceeds 150 pages (single sided), the proponent shall cause the exhibit to be transformed into a portable document file (“pdf”) and placed onto a Universal Serial Bus (USB) flash drive and it shall be entered into the record.

**(d) Weapons, Contraband, and Hazardous Materials Pursuant to Pa. R.J.A. 5103(d), and Other Dangerous Items.**

1. **Dangerous Items Defined.** “Dangerous Items” within these Rules shall include, but are not limited to, weapons, cash, currency, money, negotiable instruments, other items of value, drugs, dangerous materials, guns, knives, explosives, controlled substances, narcotics, intoxicants, toxic materials, biological items, and biohazards. “Dangerous Items” may also include other items not specifically defined herein as determined by the presiding judge.
2. The presiding judge in any court proceeding may issue special instructions to address the method by which dangerous items are offered into evidence, including the party that shall secure the exhibits while the court proceeding is in session, as well as during all breaks and recesses, which method shall be confirmed by court order.
3. In the absence of a court order, in any court proceeding where dangerous items are offered as evidence, the proponent shall secure the exhibits while the court proceeding is in session, as well as during all breaks and recesses.
4. During a court proceeding, the proponent shall exercise all appropriate safeguards necessary to protect the public based on the nature of the exhibit. Exhibits comprised of dangerous items are prohibited from viewing in the jury room. The presiding judge may direct alternative viewing arrangements for such exhibits upon the request of the jury.
5. At the conclusion of a court proceeding, all dangerous items which have been offered into evidence, whether or not admitted of record, shall be kept in the custody of the proponent, the proponent’s Designee, or such other person as designated by the presiding judge.
6. Dangerous items categorized under this Rule may only be disposed of or destroyed by a court order.
7. If there are dangerous items which require temporary storage, the Sheriff’s Office shall provide the proponent with an escort to the Records Office, as defined by Pa. R.J.A 5101(a)(7), or other secure area designated by the presiding judge.
8. In advance of any court proceeding, the proponent shall prepare a physical, photographic copy of any weapon, contraband hazardous material or dangerous items exhibits pursuant to Pa. R.J.A. 5103(b).
9. The weapon, contraband hazardous material or dangerous items exhibit must be photographed in color by the Proponent and presented in a letter-sized form (8 1/2 by 11 inches) document for inclusion in the record prior to the end of the proceeding. The photograph shall be marked as an exhibit and identified in the exhibits index.

**Rule 5105. Confidentiality. Exhibits Under Seal.**

- (a) The Proponent of an exhibit containing confidential information or confidential documents, as defined in the Case Records Access Policy of the Unified Judicial System of Pennsylvania, shall include a confidential document form, prepared in compliance with the Policy, so the exhibit may be sealed by the Records Office.
- (b) Exhibits sealed by the Court during the Court proceeding shall not be accessible by the public. The Prothonotary, Clerk of the Criminal Court or Clerk of the Orphans' Court shall ensure the confidentiality of such documents as defined in the Case Records Access Policy of the Unified Judicial System of Pennsylvania.





