

RULE 1905A. VIOLATION OF TEMPORARY OR FINAL ORDER

If a temporary order of a Magisterial District Judge is violated, or if a temporary order or final order of a Judge is violated, it shall be presumed that the Court of Common Pleas is unavailable and the arresting police office shall take the defendant before an available Magisterial District Judge. The Magisterial District Judge shall advise the defendant:

- (1) That he or she is being charged with violating a temporary order of a Magisterial District Judge or Judge, as appropriate, or of a final order of a Judge; and
- (2)
 - (a) That, if a violation of a temporary order of a Magisterial District Judge, the matter will be referred to the Court after which a hearing will be set within ten (10) days; or
 - (b) That, if a violation of a temporary order of a Judge, that a hearing has already been set and the defendant shall be told of the time and the place of that hearing; or
 - (c) That, if the violation is of a final order of the Court, a hearing will be set by the Court within ten (10) days of the Court's receipt of the notice of the alleged violation; and
- (3) Of the defendant's right to counsel, and the address and telephone number of both the Dauphin County Lawyer Referral Service and the Dauphin County Public Defender's Office.

The Magisterial District Judge shall then consider bail for the defendant in accordance with Pa.R.C.P. 4001, 4002, 4003, 4004 and 4006. The Magisterial District Judge shall consider, particularly, Rule 4003(a)(3) and the Court's concern for the safety of the person or persons the defendant has threatened as well as the likelihood of the defendant's appearance, as required, for court.