

ORDINANCE NO. 96-2

**AN ORDINANCE OF HILLTOWN TOWNSHIP,
BUCKS COUNTY, PENNSYLVANIA,
ESTABLISHING GUIDELINES TO BE FOLLOWED
DURING POLICE ARRESTS WITHOUT WARRANTS**

BE IT ORDAINED AND ENACTED, by the Board of Supervisors of Hilltown Township, after public hearing duly advertised and held on the 26th day of August, 1996, as follows:

WHEREAS, Act 25 of 1995, 42 Pa. C.S.A. 8902 now permits police officers to make arrests without a warrant for certain specified summary offenses after the governmental body promulgates guidelines to be followed by the police officer when making such arrest; and

WHEREAS, Hilltown Township wishes to establish guidelines for use during warrantless arrests.

NOW THEREFORE, BE IT ORDAINED AND ENACTED, as follows:

1. In addition to the powers provided by 53 P.S. 65101 et seq. and by 42 Pa. C.S.A. Section 6324(3), police officers of Hilltown Township shall, upon view, have the right of arrest without warrant upon probable cause when there is ongoing conduct that imperils the personal security of any person or endangers public or private property for the following offenses:

- 18 Pa C.S.A. Section 5503 Disorderly Conduct
- 18 Pa. C.S.A. Section 5505 Public Drunkenness
- 18 Pa. C.S.A. Section 5507 Obstructing Highways
- 18 Pa. C.S.A. Section 6308 Underage Drinking

2. When a defendant has been arrested without a warrant for a summary offense, police officers shall comply with the requirements of Pennsylvania Rule of Criminal Procedure 71.

Rule 71. Procedure Following Arrest Without Warrant.

- (a) When a defendant has been arrested without a warrant, the defendant shall be either released from custody pursuant to Paragraph (b) or taken before the proper issuing authority under Paragraph (c).

- (b) When a defendant has been arrested without a warrant, the arresting officer may, when the officer deems it appropriate, promptly release the defendant from custody when the following conditions have been met:
 - (1) the defendant is a resident of the Commonwealth;
 - (2) the defendant poses no threat of immediate physical harm to any other person or to himself or herself;
 - (3) the arresting officer has reasonable grounds to believe that the defendant will appear as required; and
 - (4) the defendant does not demand to be taken before an issuing authority. A citation shall be issued to the defendant at the time of release and thereafter the case shall proceed in accordance with Rules 55-59 as if the proceedings had been instituted by issuing a citation to the defendant.

- (c) When the defendant has not been released from custody under Paragraph (b), the defendant shall be taken without unnecessary delay before the issuing authority where a citation shall be filed against the defendant. The defendant shall be given an immediate trial unless:
 - (1) The Commonwealth is not ready to proceed or the defendant requests a postponement, and in either event the defendant shall be given the opportunity to deposit collateral for appearance on the new date and hour fixed for trial, or
 - (2) the defendant's criminal record must be ascertained before trial as specifically required by statute for purposes of grading the offense charged, in which event the defendant

shall be given opportunity to deposit collateral for appearance on the new date and hour fixed for trial, which shall be after the issuing authority's receipt of the required information.

ENACTED AND ORDAINED this 26th day of August, 1996.

HILLTOWN TOWNSHIP
BOARD OF SUPERVISORS

W. H. Bennett
Ken B. B.
J. Carroll Ford

ATTEST:

Lynda Seimes
Lynda Seimes, Township Secretary