

Rule 5102. Custody of Exhibits. General Provisions

Except as hereinafter provided, the Clerk of Courts or Prothonotary or their designated representatives who are present at the court proceeding shall be designated as the custodian for all exhibits during and after the court proceeding. If, for any given proceeding, no representative of the Clerk of Courts or Prothonotary is present, then the presiding judicial officer or judge shall take possession of the exhibits and forward them to the appropriate recording office upon filing of the decision, or immediately if no decision is to be filed, together with an index of the exhibits.

The presiding judicial officer or judge may, upon consultation with the parties or their counsel, order that the proponent of any non-documentary exhibit be designated as its custodian during the proceeding and/or after court proceedings have concluded. A proponent who becomes the custodian of such non-documentary exhibits shall have all the duties and responsibilities provided by Pa.R.J.A. 5102, except as otherwise provided in the order. Unless otherwise ordered, the proponent shall as custodian maintain non-documentary exhibits for a minimum of the following time periods:

- i. *Non-criminal matters.* Retain exhibits until the later of 30 days after the conclusion of the case and the expiration of the appeal period, or final disposition of an appeal if one is taken.
- ii. *Criminal matters:*
 1. Homicides. Retain exhibits 75 years.
 2. Summary cases. Retain exhibits 5 years.
 3. Other cases. Retain exhibits 20 years.

These retention periods also apply to any exhibits held by a proponent at the time of enactment of this Rule. The proponent may submit a motion to the President Judge or other designated judge to address conversion of, or retention of any previously entered exhibit, so long as the motion is served on the appropriate parties or counsel at their last known address.