

# BUCKS COUNTY ACCELERATED REHABILITATIVE DISPOSITION ("A.R.D.") PARTICIPATION APPLICATION

Name: \_\_\_\_\_ Date of Birth: \_\_\_\_/\_\_\_\_/\_\_\_\_ Phone: \_\_\_\_\_

Email: \_\_\_\_\_ Address: \_\_\_\_\_

Attorney: \_\_\_\_\_ Atty Phone: \_\_\_\_\_ Atty Email: \_\_\_\_\_

## COMPLETE AND RETURN THIS FORM TO THE ASSIGNED MAGISTERIAL DISTRICT COURT ON OR BEFORE THE DAY OF YOUR PRELIMINARY HEARING

Accelerated Rehabilitative Disposition ("A.R.D.") is a pre-trial diversionary program for first time non-violent offenders. Completion of A.R.D. avoids a criminal conviction and allows a defendant to avoid mandatory terms of imprisonment associated with convictions for the charged offenses, including Driving Under the Influence of Alcohol or a Controlled Substance ("D.U.I."). Upon successful completion of the A.R.D. program, your charges will be dismissed and your criminal record will be expunged pursuant to Rules 319 and 320 of the Pennsylvania Rules of Criminal Procedure. If you are accepted into the A.R.D. program and fail to comply with any of the terms of your A.R.D. agreement or are arrested for a new offense during your A.R.D. term, you will be removed from the A.R.D. program and the Bucks County District Attorney's Office ("DA's Office") will file a praecipe to list your case for trial on the original charges. Recommendation for placement into the A.R.D. program is at the sole discretion of the DA's Office. The below list of eligibility requirements are basic guidelines established by the DA's Office and does not include every factor which may bear on admission into A.R.D. You still may not be accepted into the A.R.D. program even if you meet the below eligibility requirements.

### ELIGIBILITY REQUIREMENTS

In order to be eligible for A.R.D. consideration, you must:

1. Waive your preliminary hearing;
2. Complete and return this form to the Magisterial District Court on or before your preliminary hearing date;
3. Have never been convicted of any misdemeanor or felony offense, nor have pending charges in this or any other state or jurisdiction (including military tribunals);
4. Have never been placed on A.R.D. or its equivalent for any misdemeanor or felony offense in this or any other jurisdiction;
5. Not be charged in the instant matter with: a crime of violence; an offense involving possession/use of a deadly weapon; any offense under Title 18, Chapter 31 (Sexual Offenses); any offense under Title 18, Chapter 37 (Robbery); any offense under Title 18, Chapter 27 (Assault); any felony offense under 18 Pa.C.S.A. §3301 (Arson) and 18 Pa.C.S.A. §3302 (Risking Catastrophe); any felony offense under 18 Pa.C.S.A. §3502 (Burglary); any felony offense under Title 35 (The Controlled Substance, Drug, Device, and Cosmetic Act); leaving the scene of an accident under 75 Pa.C.S.A. §3742; §3742.1; §3744; any offense under Title 18, Chapter 39 (Theft) involving a motor vehicle; any case in which restitution exceeds \$5,000;
6. Waive your rights to a speedy trial from the date of your A.R.D. application until the final disposition of your case;
7. Make a payment, if applicable, towards court costs prior to being placed into the A.R.D. program (see Required Payment Information below);
8. If you are charged with Driving Under the Influence of Alcohol or a Controlled Substance; you are not eligible if:
  - a. you were involved in an accident in which someone (other than yourself) was injured;
  - b. you were involved in an accident in which you caused significant property damage;
  - c. you left the scene of an accident;
  - d. there was a child under the age of fourteen (14) in the vehicle you were operating;
  - e. you did not have a valid driver's license at the time of the offense;
  - f. you did not have valid vehicle insurance at the time of the offense;
  - g. you took some specific action with your vehicle which directly endangered another person or persons;
  - h. you have not completed a CRN evaluation (and Drug and Alcohol Assessment if required) at Livengrin Foundation, The Council of Southeast Pennsylvania, or Family Service Association prior to your A.R.D. court date

*In a D.U.I. case, you cannot be placed into A.R.D. without a completed CRN evaluation. If the evidence in your case, including the CRN evaluation, indicates that you have an alcohol or drug addiction, you will be admitted to A.R.D. only if you have taken substantial steps to address your addiction by professional intervention.*

### ACCEPTANCE INTO A.R.D.

The DA's Office will make a *conditional* determination regarding your A.R.D. application prior to your formal arraignment. If your application is conditionally approved, an A.R.D. court date will be scheduled. If your application is granted final approval, you will be formally placed into the A.R.D. program at that hearing. If you are not approved for A.R.D., you will receive a rejection letter and your case will be scheduled for a trial date. If you meet the eligibility standards set forth above but are not accepted into A.R.D., you may elect to have your case remanded to the assigned Magisterial District Court for a preliminary hearing or you may proceed to trial on the assigned date. If you are accepted into A.R.D., you will be required to complete a minimum of ten (10) hours of community service at a nonprofit organization as a condition of your A.R.D. agreement.

### CONSIDERATION FOR SIX MONTH A.R.D.

It is in the full discretion of the DA's Office to approve a defendant for an A.R.D. term of six (6) months. To be considered for such, you must complete *all* conditions (which include required community service and payment in full of all court costs, and may include payment of restitution and any other conditions deemed appropriate by the DA's Office) *prior* to the A.R.D. court date. For a D.U.I. offense under 75 Pa.C.S.A. §3802, such other conditions include completion of Alcohol Highway Safety School and any recommended drug and/or alcohol treatment (proof of treatment completion must be provided to the DA's Office). It is your responsibility to communicate with the A.R.D. Unit at the DA's Office in advance of your court date to determine what conditions must be fulfilled to qualify for consideration for a six month term of A.R.D.

### REQUIRED COURT COSTS PREPAYMENT INFORMATION

Defendants with privately retained counsel are required to pay a minimum of \$1100.00 towards court costs prior to being formally placed into the A.R.D. program. Defendants represented by the Bucks County Public Defender's Office or court appointed counsel are not required to make a prepayment prior to being placed into A.R.D. Defendants without counsel are required to pay a minimum of \$550.00 towards court costs for a D.U.I. offense, or \$350.00 for a non-D.U.I. offense, prior to being formally placed into A.R.D. A defendant seeking a waiver of the court costs prepayment must be screened by the Public Defender's Office for indigency eligibility *prior* to the A.R.D. court date. It is the defendant's responsibility to contact the Public Defender's Office (contact information below) to set up an appointment for screening and verify the documentation required. An unrepresented defendant's prepayment will not be waived without proof of eligibility screening. Please note, such waiver pertains to prepayment only. A defendant must still pay all court costs in full to satisfy his or her A.R.D. requirements and qualify for expungement.

### NOTICE REGARDING SUBSEQUENT D.U.I. AND RETAIL THEFT OFFENSES

If you are accepted into the A.R.D. program for a D.U.I. offense under 75 Pa.C.S.A. §3802, the A.R.D. disposition will be considered a "prior offense" for any subsequent D.U.I. offense committed within ten (10) years from the date you are formally placed into the A.R.D. program. This A.R.D. disposition will increase the fine and mandatory term of imprisonment for said subsequent D.U.I. offense. It may also subject you to additional consequences to be governed and imposed by the Pennsylvania Department of Transportation regarding your license to operate a motor vehicle and an ignition interlock device. (See 75 Pa.C.S.A. §1553; 1556; 3803; 3804; 3805; 3806; et al.) If you are accepted into A.R.D. for a retail theft offense under 18 Pa.C.S.A. §3929, the A.R.D. disposition will be considered a "prior offense" and increase the grading of any subsequent retail theft conviction. (18 Pa.C.S.A. §3929(b.1))

### WAIVER OF SPEEDY TRIAL RIGHTS AND CERTIFICATION

I hereby certify that I have read this entire application and that I understand each section.

I understand that I have a constitutional right to a speedy trial and the Commonwealth must prosecute my case within 365 days from the filing date of the criminal complaint brought against me in my pending case. I understand that I am waiving my right to a speedy trial under the United States and Pennsylvania Constitutions and the Pennsylvania Rules of Criminal Procedure for the purpose of being evaluated for and/or participating in the A.R.D. program. Said waiver specifically includes the period of time between the date of this application and the date on which my case is ultimately disposed (or, in the event that my case is remanded, until the date of the preliminary hearing).

I hereby certify that there are no other prosecutions pending against me, in this or any other state. I also certify that I have never been convicted of any misdemeanor or felony offense in this or any other state/jurisdiction, nor have I ever been placed on the A.R.D. program or its functional equivalent for a felony or misdemeanor in this or any other state/jurisdiction.

By signing this document, I certify that all of the above statements are true and correct and that I meet the eligibility requirements as outlined in this application. This certification is made subject to penalty under 18 Pa.C.S.A. §4904 regarding unsworn falsification to authorities.

Defendant: \_\_\_\_\_

Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

### CONTACT INFORMATION

Bucks County DA's Office – A.R.D. Unit: (215) 348-6660  
Bucks County Bar Assoc. – Lawyer Referral Service: (888) 991-9922  
Livengrin Foundation: (215) 638-5266  
Family Service Association: (215) 494-9090

Bucks County Public Defender's Office: (215) 348-6473  
Bucks County Clerk of Courts: (215) 348-6389  
The Council of Southeast Pennsylvania: (215) 230-8715