

Bucks County District Court Drug Diversion Program

FREQUENTLY ASKED QUESTIONS

What is the Bucks County District Court Diversion Program (DCDP)?

- DCDP is a voluntary diversion program that allows defendants charged with certain drug offenses an alternative to trial and a criminal record. It allows for such eligible cases to remain at the District Court level while defendants are assessed for drug and alcohol treatment and must comply with recommendations and attend status hearings with the Magisterial District Judge (MDJ).

Who is eligible?

- Defendant must be a Bucks County resident and be charged with a violation(s) of the Controlled Substance, Drug, Device, and Cosmetic Act. 780-113(a)(16): Possession of Controlled Substance, 780-113(a)(31): Possession of Marijuana or 780-113(a)(32): Possession of Drug Paraphernalia. If offenses are not marijuana related, the defendant cannot have any prior convictions to be eligible.

What are the program requirements?

- A Drug and Alcohol assessment must be completed within 3 business days of acceptance or immediately if the MDJ determines that the defendant is at urgent risk of overdose/death. All recommendations of the Drug and Alcohol Assessment must be complied with, including but is not limited to, inpatient and/or outpatient treatment and/or a decision making counseling session. Attendance at various status hearings with the Magisterial District Judge is required throughout the duration of the program term.

What happens upon completion of the program?

- For marijuana related offenses, the program term is 90 days and for other controlled substance related offenses, the program term is 6 months. If the participant successfully completes the program the charges will be dismissed at the District Court level and if participant was a first time offender, they can be automatically expunged. Accompanying summary offenses are at the discretion of the DA at admission to the program.

What happens upon violation of the program?

- The program will be terminated, the Preliminary Hearing and Rule 600 waived, and the case will proceed to Common Pleas court.

What if defendant does not want to participate?

- The defendant will have a Preliminary Hearing at the District Court and could be held over to Common Pleas Court for Trial with higher penalties and costs.

What are the financial costs of the program?

- The participant is responsible for the court costs of the case remaining at the District Court. The participant may apply to the MDJ for indigency and if granted costs will be waived and/or community service may be required in lieu of court costs at the discretion of the MDJ. If the case was disposed of at the Common Pleas Court level, court costs are approximately 3 times higher and additional penalties could include: formal probation or incarceration, driver's license suspension, and a permanent criminal record. If the case is eligible for automatic expungement, the participant is responsible for those fees as well. The Drug and Alcohol Treatment costs will be based on medical insurance coverage.