

## BUCKS COUNTY A.R.D. PARTICIPATION APPLICATION

Name \_\_\_\_\_ Date of Birth \_\_\_\_\_ Phone Number \_\_\_\_\_ Email \_\_\_\_\_

Address \_\_\_\_\_ Attorney \_\_\_\_\_ Email Address/Phone Number \_\_\_\_\_

### **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 diversion program for first time non-violent offenders. Completion of A.R.D. avoids a conviction and thus does not require a defendant to serve mandatory jail sentences associated with convictions for the charged offenses, including Driving Under Influence of Alcohol or Controlled Substance (“D.U.I.”) offenses. Upon successful completion of the A.R.D. agreement, your charges will be dismissed and your criminal record will be expunged under Rules 319 and 320 of Pennsylvania Rules of Criminal Procedure. If you are accepted into the A.R.D. program for an offense of D.U.I., under Section 3802 of Pennsylvania Motor Vehicle Code the A.R.D. disposition will be considered a prior conviction for sentencing purposes, and will increase the mandatory sentence and fines for each subsequent D.U.I. offense within the next ten (10) years from the date of the A.R.D. agreement. If you are accepted into the A.R.D. program and fail to comply with any of your A.R.D. agreement’s conditions 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 will file a praecipe to have your case listed for trial on the original charges.

A recommendation for placement into the A.R.D. program is at the sole discretion of the Bucks County District Attorney’s Office. The list of eligibility requirements set forth below are basic guidelines established by the Bucks County District Attorney’s Office. This list does not include every factor which may bear on A.R.D. admission and even if you meet the below-listed eligibility requirements, you still may not be accepted into the A.R.D. program.

### **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. Never have been convicted of any misdemeanor or felony crimes or have pending charges in this or any other state or jurisdiction (including military tribunals); and/or never have been placed on A.R.D. or its equivalent for any misdemeanor or felony crimes in this or any other jurisdiction;
4. Not have been charged in the instant manner with:  
A crime of violence; an act or offense that included the possession or 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. § 3301 (Arson and Related Offenses) and § 3302 (Causing or Risking a Catastrophe); any offense under 18 Pa. C.S. § 3502 (Burglary); any felony offense under Title 35 (The Controlled Substance, Drug, Device, and Cosmetic Act); leaving the scene of an Accident, 75 Pa. C.S. § 3742; § 3742.1; § 3743; § 3744
5. Waive your rights to a speedy trial from the date of your application for A.R.D. until the final disposition of your case;
6. Pay towards your court costs prior to being placed into the A.R.D. program (See required Payment Information Below);

7. If you are charged with Driving Under Influence of Alcohol or Controlled Substance offenses, you are not eligible if you:
- a. Were involved in an accident in which someone (other than yourself) was injured;
  - b. Were involved in an accident in which you caused serious property damage;
  - c. Left the scene of an accident;
  - d. Had a child under the age of fourteen (14) in the vehicle that you were operating;
  - e. Did not have a valid license at the time of offense;
  - f. Did not have valid vehicle insurance at the time of offense;
  - g. Took some specific action with your vehicle which directly endangered another person or persons; or
  - h. Have not completed a CRN evaluation (and Drug and Alcohol Assessment if required) prior to your court date at either Livengrin Foundation or The Council of Southeast Pennsylvania.
- You cannot be placed into A.R.D. without a completed CRN evaluation. If the evidence in your case, including the CRN evaluation, indicate 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 Bucks County District Attorney's Office will make a *conditional* determination on your A.R.D. application prior to your arraignment. If your application for A.R.D. is conditionally approved by the Bucks County District Attorney's Office, a court hearing where you will be formally placed into A.R.D. will be scheduled if you are finally approved. If you are not accepted into the A.R.D. program, 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 the A.R.D. program, 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 the A.R.D. program, you will be required to complete a minimum of ten (10) hours of community service as a condition of the A.R.D. program.

#### **CONSIDERATION FOR 6 MONTH ARD**

It is in the full discretion of the DA's office to grant 6 month ARD. In order to be considered for such, all conditions (including required community service, payment in full of the A.R.D. costs and restitution and any other conditions deemed appropriate by the DA's office) must be met prior to the scheduled A.R.D. court date. It is the responsibility of the defendant to communicate with the A.R.D. Unit of the DA's Office in advance of the A.R.D. date to find out what conditions must have been fulfilled prior to the A.R.D. date in order to qualify for consideration of a 6 month A.R.D. For an offense of Driving Under Influence of Alcohol or Controlled Substance, under Section 3802 of Pennsylvania Motor Vehicle Code, such other conditions include completion of Alcohol Highway Safety School classes and any recommended treatment (proof of completion must be provided).

#### **REQUIRED PAYMENT INFORMATION**

Defendants with privately retained counsel will be required to pay a minimum of \$1,000.00 prior to being formally placed into the A.R.D. program. Defendants with appointed counsel or those represented by the Public Defender's Office are required to pay \$500.00 prior to being formally placed into the A.R.D. program for a DUI offense, or \$300.00 for non-DUI offenses. If you are unable to pay, you must notify the Bucks County District Attorney's Office prior to your court date, make a good faith effort to pay costs, and bring proof of your inability to pay (e.g. unemployment benefit records, medical records, social security disability records, pay stubs) to your court hearing. You will not be granted an extension by the District attorney's Office to complete the conditions of your A.R.D.

**WAIVER OF SPEEDY TRIAL RIGHTS AND CERTIFICATION**

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

I hereby certify that I have read this entire three page application and that I understand each section of the application.

I hereby certify that there are no pending prosecutions against me in this or any other state. I also certify that I have never been convicted of any misdemeanor or felony charge in this or any other state or jurisdiction, nor have I ever been placed on A.R.D. or its equivalent for any misdemeanor or felony charge. By signing this document, I certify that all of the above information and statements are true and correct and that I meet the eligibility requirements as outlined by this document. This certification is made subject to penalty under Section 4904(b) of the Pennsylvania Criminal Code regarding false statements.

\_\_\_\_\_  
Defendant

\_\_\_\_\_  
Date

**CONTACT INFORMATION**

**Bucks County District Attorney's Office, ARD Unit 215-348-6660 Bucks County Clerk of Courts 215-348-6389 Bucks County Bar Association Lawyer Referral Service 888-991-9922 Bucks County Public Defender's Office 215-348-6473 Livengrin Foundation 215-638-5266 The Council of Southeast Pennsylvania 215-230-8715 x.1 - 195 Bristol-Oxford Valley Road, Langhorne, PA 19047 252 W. Swamp Road, Unit 33, Doylestown, PA**