

# BUCKS COUNTY A.R.D. PARTICIPATION APPLICATION

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

Email Address \_\_\_\_\_ 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 intervention program for first time non-violent offenders. A.R.D. is not a conviction and 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 or convicted of a new offense, 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 below list of eligibility requirements are basic considerations made by the Bucks County District Attorney's Office, but is not inclusive of all considerations made. 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., it is required that you:

1. Waive your preliminary hearing;
2. Complete and return this form to the Magisterial District Court on or before your preliminary hearing;
3. Have never been convicted of any misdemeanor or felony crimes or 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 crimes in this or any other jurisdiction;
5. Have not been charged in the instant manner with:
  - a. A crime of violence;
  - b. An act or offense that included the possession or use of a deadly weapon;
  - c. Any offense under Title 18, Chapter 31 (Sexual Offenses) except for § 3127 (Indecent Exposure);
  - d. Any offense under Title 18, Chapter 37 (Robbery);
  - e. Any felony offense under 18 Pa. C.S. § 3301 (Arson and Related Offenses) and § 3302 (Causing or Risking a Catastrophe);
  - f. Any offense under 18 Pa. C.S. § 3502 (Burglary);
  - g. Any felony offense under Title 35 (The Controlled Substance, Drug, Device, and Cosmetic Act);
6. Waive your rights to a speedy trial from the date of your application for A.R.D. until the date on which your case is finally disposed;
7. Pay towards your court costs prior to being placed into the A.R.D. program (See required Payment Information Below);
8. For Driving Under Influence of Alcohol or Controlled Substance offenses only:
  - a. Were not involved in an accident where someone (other than yourself) was seriously injured;
  - b. Did not leave the scene of an accident;
  - c. Did not have a child under the age of fourteen (14) in the vehicle that you were operating;
  - d. Had a valid license at the time of offense;
  - e. Had valid vehicle insurance at the time of offense; and,
  - f. Had 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.

### 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 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 are otherwise eligible, 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. If you complete this community service requirement and it is verified by the Bucks County Adult Probation and Parole Department prior to being placed into A.R.D., you may be approved for a reduced A.R.D. term of six (6) months if all other conditions (including payment in full of the A.R.D. costs and restitution) are also met prior to the scheduled A.R.D. Court date. 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 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

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