

ARD PROGRAM FOR NON-DUI OFFENSES
QUESTIONS AND ANSWERS

WHAT IS ARD?

ARD stands for the Accelerated Rehabilitative Disposition program. Quite simply, this program gives first time offenders the opportunity to dispose of their case without an admission of guilt, without a criminal record and without the potential for a jail sentence. ARD is a diversionary program, participation in which is a privilege, not a right. If the District Attorney's Office deems you qualified to participate in the ARD program, the District Attorney's Office will move for your admission into ARD by presenting your case to the Court. Like the District Attorney's Office, the Court has the right to accept or reject a defendant for participation in ARD.

WHO IS ELIGIBLE FOR THE ARD/NON-DUI PROGRAM?

In cases where the most serious charge filed against you is a misdemeanor and you are not charged with a DUI, you are eligible to apply for the ARD/NON-DUI Program. However, any of the following circumstances will preclude you from entering the ARD/NON-DUI Program:

- a. Your charges include any of the following crimes:
 - Fleeing or Attempting to Eluding a Police Officer
 - Accidents Involving Death or Personal Injury
 - Accidents Involving Damage to Attended Vehicle or Property
 - Any misdemeanor crime under the Vehicle Code where you did not possess a valid driver's license
 - Any misdemeanor under Chapter 31 of the Crimes Code (Sexual Offenses)
 - Resisting Arrest or Other Law Enforcement
 - Offenses subject to the Deadly Weapons Enhancement
- b. You were on parole or probation at the time of the incident.
- c. You were charged with any felony and/or multiple misdemeanors.
- d. You have prior convictions for misdemeanors or felonies.
- e. You have any misdemeanor or felony criminal charges pending in Pennsylvania or any other state or federal jurisdiction.
- f. You were previously admitted into a diversionary program for a felony or misdemeanor in Pennsylvania or any other state or federal jurisdiction.
- g. You were not in the United States legally at the time you were arrested or apply for the ARD Program. The burden is on you to show that you were legally in the United States at the time charges were filed and at the time you enter the ARD Program.
- h. You failed to waive your Preliminary Hearing.

- i. You filed an Omnibus Pretrial Motion for Relief.
- j. You did not submit an ARD application to the District Attorney's Office seven (7) days prior to your formal arraignment date.
- k. The District Attorney reserves the right to exercise discretion as to inclusion pursuant to ***Pa.R.Crim.P 310, et seq.***, in the interests of justice.

WHAT ARE THE REQUIREMENTS OF THE ARD/NON-DUI PROGRAM?

If you are accepted into the ARD/NON-DUI program, the following conditions will probably be imposed.

- a. You will be placed on probation supervision for up to twenty-four (24) months. You will be required to satisfactorily complete the conditions of probation.
- b. You may be ordered to undergo alcohol or drug programs. In the most severe cases there is the possibility that you could be ordered to attend an inpatient program, however, you would have an absolute right to a Court hearing before this order could be made.
- c. You will be ordered to perform at least forty (40) hours of public service.
- d. You will be ordered to pay restitution for any personal or property damages suffered by other persons as the result of your incident. Restitution does not include costs of prosecution such as laboratory fees and/or the costs of the ARD program.
- e. You will also be ordered to pay ARD program fees and costs as established by the Court and the Clerk of Courts as well as costs of prosecution applicable to your case. Any payments made will be applied first to restitution prior to any fees and costs.
- f. You must abide by all federal and state laws and abide by the standard rules and conditions of the Probation.
- g. You may be subject to other special conditions as determined by the District Attorney's Office and approved by the Court.
- h. You will not possess or consume any non-prescribed controlled substances for the entire length of the ARD probationary period.

WHAT IF I AM REVOKED FROM THE PROGRAM?

If you are accepted into the ARD program and violate any of the conditions of that program, you will be revoked from the ARD program. This means that you will be treated as if you were never accepted and will be prosecuted for the original criminal charge.

WILL ACCEPTANCE INTO THE ARD/NON-DUI PROGRAM GIVE ME A CRIMINAL RECORD?

If you are accepted into the ARD program and successfully comply with all of its conditions, you will not receive a criminal conviction.

If you successfully comply with all ARD conditions and pay off all your financial obligations by the end of the ARD period, you are entitled to an expungement of your record. It is your responsibility to file a petition for expungement and pay any necessary and/or applicable filing fees.

WHAT RIGHTS AM I GIVING UP BY ENTERING INTO THE PROGRAM?

In order to be considered for the ARD program, you must waive your right to a preliminary hearing. You also must waive your right to file an Omnibus PreTrial Motion under Pa.R.Crim.P. 578 prior to admission into the ARD program and if you are removed from the ARD program, if applicable. Finally, you must waive your rights to a speedy trial within 365 days from the time of the charge. This is necessary in order to allow trial if you are later revoked from the ARD program.

HOW DO I APPLY FOR THE ARD PROGRAM?

Enclosed with this form is an ARD/NON-DUI application and waiver form. This form must be completed and provided to the Adams County District Attorney's Office seven (7) days prior to your formal arraignment date. If you are accepted into the ARD/NON-DUI program, you may enter the program at your formal arraignment.

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