

VI. FAILURE TO COMPLY

- A. Failure to comply with a condition will be deemed an unsuccessful completion of the program and the underlying record shall not be expunged.
- B. The Commonwealth may proceed to prosecution if:
 - i. The Defendant is charged with or commits another offense while under supervision; or
 - ii. The Defendant violates any other conditions imposed by the Court.

VII. A.R.D. REVIEW PANEL

Appropriate applicants will have an opportunity to address a review panel to determine whether their case should be diverted into A.R.D. The goal is to allow a more informed decision on the application as well as to better assess who is likely to successfully complete the program.

Applicants may bring an attorney and/or witnesses but should be prepared to answer questions from the panel regarding the offense and their background. Applicants do retain their right to remain silent and their participation in this panel is strictly voluntary. If they choose not to participate, the decision on the case will be based solely on the written application.

NOTICE: There may be additional alternatives other than those explained in this brochure. If you have any questions, you should seek the advice of an attorney. If you cannot afford an attorney, contact Lancaster County Office of Bail Administration at 717-295-3584 to apply for a Public Defender.

NON-DUI ARD APPLICATIONS WILL BE CONSIDERED ON A CASE BY CASE BASIS.

The Lancaster County District Attorney's Office reserves the right to reject an application based on other factors not specifically listed in this pamphlet.

Lancaster County Courthouse

**District Attorney's Office
50 N. Duke Street
P.O. Box 83480
Lancaster, PA 17608-3480**

**Visit our website at
www.lancasterda.com**

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OFFICE OF THE DISTRICT ATTORNEY OF LANCASTER COUNTY



Driving Under the Influence

A. R. D.

Accelerated Rehabilitative Disposition

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District Attorney

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A.R.D. is an alternative to trial, conviction and/or jail sentence. Charges may be dismissed and the offender's record can be expunged.

I. APPLICATIONS

Applications for A.R.D. are available at any District Justice Office, the Lancaster County District Attorney's Office or online at www.lancasterda.com or at Lancaster County DUI Central Court.

II. ELIGIBILITY

A. A.R.D. is available for certain DUI offenses included below:

75 Pa.C.S.A § 3802(a)(1), (a)(2), (b), (c), (d), (e)

B. A.R.D. is **NOT** available if:

1. The offender has been convicted of DUI or accepted into ARD within 10 years of the date of the current offense.
2. An accident occurred in connection with the offense where a person, other than the offender, was killed or suffered serious bodily injury.
3. A passenger under 14 years of age was in the vehicle the offender was operating.
4. The offender did not have a valid driver's license, and/or was suspended, and/or did not have insurance, regardless of whether charged with those specific offenses.
5. The offender has an extensive driving and/or criminal record as determined by the District Attorney.
6. An offender with a BAC of .30%+, Heroin, and/or Fentanyl will be considered on a case by case basis and may be required to attend the ARD Panel.

Exceptions may be made in extraordinary circumstances.

III. REQUIREMENTS

A. At the time of DUI Central Court hearing or prior to status conference hearing:

1. Complete an A.R.D. application and submit it and a copy of the criminal complaint and affidavit to the District Attorney's Office.
2. Waive the preliminary hearing.
3. Sign a continuance form provided by the District Attorney's Office.
4. Schedule a C.R.N. evaluation with the Office of Adult Probation and Parole Services.

B. Within three months of the charges being filed, an offender must complete:

1. A C.R.N. evaluation.
2. Alcohol Highway Safety School.

C. After the requirements outlined in Sections A and B are completed, the offender will be scheduled for formal admittance.

D. After formal acceptance into the A.R.D. Program, the offender **MUST** remain under supervision for **twelve months** and must comply with the following:

1. Obtain a Drug and Alcohol Evaluation and successfully complete any required drug and/or alcohol treatment.
2. Pay restitution, fines, costs, fees, surcharges, and/or charges in addition to the \$600 processing fee.
3. Complete community service hours.
4. Comply with all other conditions of the program.

IV. SUSPENSION/COMMUNITY SERVICE

Once admitted to the program, driver's license suspensions and community service hours under A.R.D. are as follows:

BAC	License Suspension	Community Service Hours
.099 or less	0 days	15
.10 - .159	30 days	20
.16 - .199	60 days*	25
Refusals	60 days**	50
.20 - .239	60 days	50
Minors	90 days	50
Controlled Substance(s)	60 days	50
.24 - .299	60 days	75

*If the offender is involved in an accident, the driver's license suspension is 60 days regardless of the BAC level.

**PennDOT will suspend the offender's driver's license for 1 year on refusals.

NOTE: An offender may be subject to the SCRAM monitor as a condition of their supervision for a period of time depending on their case.

V. REFUSALS

If the offender refused to submit to a chemical test, the offender must agree not to challenge any suspension of his/her operating privilege. If such an appeal was filed prior to filing an application for A.R.D., the appeal must be withdrawn within fourteen (14) days of the date the offender submits the A.R.D. application. If the offender fails to comply, he/she shall be denied admission or removed from the A.R.D. program.