

- **RULE OF CRIMINAL PROCEDURE 301.**

ACCELERATED REHABILITATIVE DISPOSITION (ARD) IN SUMMARY CASES

- (a) Eligibility:** Pursuant to the District Attorney's designation filed under Pa.R.Crim.P. 300 B (2), all summary first offenders and summary juvenile offenders may apply for admission to the program with the following exceptions:
- (i) Any offense which is excluded by statute.
 - (ii) Any offense under Title 75 (Vehicles).
 - (iii) Any offense charged by local ordinance, with the exception of local ordinances prohibiting the public display of open containers of alcoholic beverages.
 - (iv) Any offense which is the result of an original charge classified as a misdemeanor three or above, which is subsequently reduced.
 - (v) Any offense which is joined with a court case which is held or waived for trial at a preliminary hearing.
- (b) Program Costs:** The costs taxable under each docket number shall be \$50 (fifty dollars), in addition to restitution, if any, both of which shall be payable no later than the day of admission to the program. The Magisterial District Judge may, in appropriate cases, waive or defer payment of the ARD fee. Restitution may not be waived. The defendant shall further agree, as a condition of the ARD program, to pay the costs of any recommended treatment and/or community service program, and further pay any assessed probation supervision fees.
- (c) Application:** Eligible offenders may apply for ARD by completing an application, waivers of Rule 600 and applicable statutes of limitations, and submitting them to the Dauphin County District Attorney for preliminary investigation. The District Attorney shall have full authority to conduct a criminal and social background check and shall have access to any available records to confirm application information. The District Attorney shall further consider input from the victim, if any, and recommend restitution when appropriate. The District Attorney may then move for the defendant's inclusion in ARD.
- (d) Program Conditions:** An offender admitted to ARD shall comply with the following:
- (i) Obey all federal, state and local penal laws, and all rules of probation.

Complete a minimum of 20 hours of community service.

- (ii) Undergo a drug and alcohol evaluation, if required by the Magisterial District Judge, and complete any recommended treatment.
- (iii) Complete any other adjudication alternative program as directed by the Magisterial District Judge.

- (e) **Program Admission and Completion:** An eligible offender may be admitted to ARD by the Magisterial District Judge upon the motion of the District Attorney. Bail, security or other collateral shall terminate upon entry. Admission to ARD shall not affect any period of license suspension/revocation directed by statute. Upon satisfactory completion of the program, the charges against the defendant shall be dismissed. The record of arrest shall not be affected by the operation of this local rule, however upon successful completion of the program, the case record shall be sealed by the Magisterial District Judge.

The Magisterial District Judge, in all cases where he/she finds the defendant guilty through trial and therefore ineligible for ARD, may refer the defendant to the program as part of a post-dispositional order. In all such cases the issuing authority shall consider imposing a fine with the provision that the fine be vacated or reduced if the defendant successfully completes the program. Restitution may not be reduced under this provision.

- (f) **Program Monitoring:** The Dauphin County Adult and Juvenile Probation departments, or representatives from an adjudication alternative program, or Pre-Trial Services, are hereby authorized to monitor and supervise a defendant's progress in the summary ARD program. Further such organizations shall inform the Magisterial District Judge of either the offender's successful completion, or the failure to complete, and in the latter case may testify as to the reasons thereof in program revocation proceedings. An allegation that the defendant has violated a condition of ARD must be brought during the term of the program, or if filed thereafter, within a reasonable time after the alleged violation was committed.

- (g) **Revocation:** Should a defendant fail to comply with any condition of the ARD program, he or she may be revoked from the program by order of the Magisterial District Judge at a revocation hearing where the defendant will be afforded an opportunity to be heard. The Magisterial District Judge may issue such process as is necessary to bring the defendant before the Court. Should the defendant fail to appear after receiving notice of a revocation hearing, the Magisterial District Judge may issue a warrant pursuant to Pa.R.Crim.P. 430. No appeal shall be allowed from a revocation order.

Upon revocation from the summary ARD program, or if a defendant declines to accept the program, the case shall thereafter be scheduled for

trial pursuant to Chapter 4 of the Pennsylvania Rules of Criminal Procedure.

- (h) **Monthly Report:** Magisterial District Judges shall submit a monthly report on the disposition of all cases which have applied for entry to ARD to the District Attorney. Should admission to ARD be denied, the reasons for such denial shall be included.

*Formerly Rule No. 161.
Effective 6/4/2001