

BERKS COUNTY
ARD (ACCELERATED REHABILITATIVE DISPOSITION)
FOR
DUI (DRIVING UNDER THE INFLUENCE)

If you have been arrested for the first time for a Driving Under the Influence (DUI) charge in Berks County, you may be eligible for the Berks County ARD Program for the DUI Offender. Upon successful completion of the program, the DUI charge is expunged, and no DUI conviction will show on your record.

WHAT IS THE ARD PROGRAM?

The ARD Program for the DUI Offender is an alternative to trial, conviction, a mandatory jail sentence and a mandatory loss of your driver's license for up to one year*.

**if this is your first offense for DUI and your blood alcohol concentration (BAC) was between .08 and .099 and there was no accident, there would be no suspension of your driver's license regardless of whether or not you are tried and convicted or if you were admitted into the ARD program.*

WHO QUALIFIES FOR THE ARD PROGRAM?

You may be eligible for the ARD Program on your DUI charge if you meet all of the following requirements:

- This is your first offense for DUI within 10 years and you have no other history of a prior misdemeanor, felony or ARD disposition
- No serious bodily injury (other than to the defendant) was reported as a result of an accident at the time of the DUI (75 Pa. C.S.A. 3807 (a)(2)(ii))
- No passenger under 14 years of age was in the vehicle the defendant was operating at the time of the DUI (75 Pa. C.S.A. 3807 (a)(2)(iii))
- The defendant must have had a valid driver's license that was not suspended, revoked, or cancelled at the time of the DUI arrest.
- The defendant must undergo a Court Reporting Network (CRN) evaluation prior to admission into the ARD program and participate thereafter in any recommended treatment or counseling.
- If the defendant refused a breath, blood, or urine test, the Refusal Form must be sent to PennDOT and the Berks County District Attorney's Office by the arresting officer prior to ARD court.
- In order to be eligible for acceptance into the ARD program, you must apply for the program at the time of your preliminary hearing.

HOW DO I APPLY FOR THE ARD PROGRAM?

Following your appearance at the Magisterial District Justice, an Accelerated Rehabilitative Disposition Application (DUI ARD) form needs to be completed by you or your defense counsel and submitted to the District Attorney's office for review. You will be given a copy of this application form along with a copy of the Criminal Complaint and Probable Cause documents. As the application instructs, you are then to contact the Berks County Adult Probation & Parole Office at 610-478-3400 within three (3) working days to schedule an ARD/DUI program phone interview. The Adult Probation Office will review your ARD Application and other documents with you and will schedule you for the special conditions of the program (CRN drug and alcohol evaluation, sixteen hours of community service, and the Alcohol Safe Driving Program). The District Attorney's Office will also review your ARD application and notify you or your attorney if your case is rejected for the ARD program for any reason.

- **REMEMBER! If you fail to contact the Adult Probation Office, you may be denied entry into the ARD program.**

WHAT DOES PLACEMENT INTO THE ARD PROGRAM FOR DUI INVOLVE?

In order to complete the ARD program and subsequently have the DUI charges expunged, you must successfully complete the following program requirements:

- One-year period of probation in lieu of a mandatory minimum jail term of 48 hours (BAC .10%-.159%) to 72 hours (BAC .16% or higher) and six-month period of parole if convicted of a first offense in ten years*

**if your blood alcohol concentration (BAC) was .08% - .099% and there was no accident, there is no mandatory jail term for a first DUI offense, but acceptance into the ARD program will still result in a one-year period of probation.*

- In lieu of a mandatory one-year loss of driver's license if convicted:
 - A license suspension of 30 days if BAC was between .10% - .159%
 - A license suspension of 60 days if:
 - BAC of .16% or higher
 - the BAC is not known
 - you were charged with driving under the influence of drugs
 - an accident which resulted in bodily injury and/or damage to a vehicle or other property
 - no license suspension if your BAC is between .08% - .099%
- Mandatory attendance in the Alcohol Safe Driving Program (ASDP) classes. If you reside outside of Pennsylvania or if English is not your primary language, you will be permitted to complete a sanctioned on-line ASDP program.
- Undergo a CRN drug and alcohol evaluation prior to your ARD court date and participate in any drug and alcohol treatment if deemed necessary and as directed by the APO.
- Complete sixteen (16) hours of community service at a non-profit (501(c)(3)) agency or as part of the Berks County Community Service Work Crew.
- Upon successful completion of the ARD program, the Adult Probation Office will forward a petition to the District Attorney's Office and the Court of Common Pleas requesting that the DUI charge be expunged.