

Rule 301 ACCELERATED REHABILITATIVE DISPOSITION IN SUMMARY CASES

1. Pursuant to the election of the district attorney, in addition to those statutorily excluded, the following offenses and offenders shall not be considered for summary ARD:
 - a. No offense under the Vehicle Code may be considered for disposition through summary ARD.
 - b. Prior to admission to summary ARD, a CLEAN/NCIC criminal history check conducted by the affiant or other law enforcement agency must occur and be submitted for review by the magisterial district judge.
 - c. No defendant with a prior conviction for any of the following offenses or an equivalent offense may be accepted into the ARD program for a summary offense:
 - (1) Corrupt organizations in violation of 18 Pa. C.S. § 911;
 - (2) Criminal homicide in violation of 18 Pa.C.S. § 2501;
 - (3) Murder in any degree in violation of 18 Pa.C.S. § 2502;
 - (4) Voluntary manslaughter in violation of 18 Pa.C.S. § 2503;
 - (5) Involuntary manslaughter in violation of 18 Pa.C.S. § 2504;
 - (6) Drug delivery resulting in death in violation of 18 Pa.C.S. § 2506;
 - (7) Criminal homicide of unborn child in violation of 18 Pa.C.S. § 2603;
 - (8) Murder in any degree of unborn child in violation of 18 Pa.C.S. § 2604;
 - (9) Voluntary manslaughter of unborn child in violation of 18 Pa.C.S. § 2605;
 - (10) Aggravated assault of unborn child in violation of 18 Pa.C.S. § 2606;
 - (11) Aggravated assault in violation of 18 Pa.C.S. § 2702;
 - (12) Arson and related offenses in violation of 18 Pa. C.S § 3301;

- (13) Burglary in violation of 18 Pa. C.S. §3502;
 - (14) Robbery in violation of 18 Pa. C.S. §3701;
 - (15) Robbery of a motor vehicle in violation of 18 Pa. C.S. §3702;
 - (16) Dealing in proceeds of illegal activity in violation of 18 Pa. C.S. § 5111;
 - (17) Any violation of 18 Pa.C.S. Ch. 31 (relating to Sexual Offenses);
 - (18) Any violation of 18 Pa.C.S. Ch.61 (relating to Firearms and Other Dangerous Articles);
 - (19) Homicide by vehicle in violation of 75 Pa.C.S. § 3732;
 - (20) Homicide by vehicle while driving under influence in violation of 75 Pa.C.S. § 3735;
 - (21) Aggravated assault by vehicle while driving under influence in violation of 75 Pa.C.S. § 3735.1;
 - (22) Criminal attempt, criminal solicitation, or criminal conspiracy to commit any of the above offenses.
- d. No defendant with a pending misdemeanor or felony charge or with a prior conviction for any misdemeanor or felony offenses for which imposition of sentence or for which the last date of imprisonment occurred within the prior ten years may be accepted into the ARD program for a summary offense.
 - e. No defendant who has previously received ARD for a court case or a summary offense within ten years prior to the date of the current offense or within ten years prior to the proposed date of admission on the current offense may be accepted into the ARD program for a summary offense.
2. Summary ARD is the only form of pretrial diversion permitted in summary criminal cases in Dauphin County.
 3. Upon accepting an applicant into summary ARD, issuing authority will charge a fee of up to \$50.00, court costs, and any restitution. Court costs may be waived or reduced for indigent defendants only upon proof of indigence. Any defendant seeking waiver of court costs must make written application and such application shall be a public record.

4. Upon accepting an applicant into summary ARD, issuing authority will set the term of ARD not to exceed a term of six months to complete conditions. The conditions will be in writing. Conditions may include community service of up to 30 hours.
5. All summary ARD applications and dispositions must be recorded on the AOPC docket.
6. If a defendant fails to comply with any condition of the summary ARD program, the magisterial district judge may issue process to bring the defendant before issuing authority for a revocation hearing. After a hearing, the magisterial district judge may revoke the defendant from the summary ARD program and schedule the case for trial. There shall be no right of appeal from an order of revocation from the summary ARD program. If a defendant fails to appear for the revocation hearing, the magisterial district judge may issue a warrant pursuant to Pa.R.Crim. P. 430(B).
7. By the 5th of each month, the Deputy Court Administrator for Magisterial District Judges will file a report with the Clerk of Courts of all summary ARD applications and dispositions for the prior month. The reports will be filed under an MD docket.
8. Accelerated Rehabilitative Disposition must be available for appropriate summary cases in all magisterial districts in the 12th Judicial District. Applications for summary ARD must be made available in each MDJ office.