

# CLEARFIELD COUNTY ACCELERATED REHABILITATION DISPOSITION

## D.U.I. GUIDELINES

### **As Required by 75-1552, and Amended by Act 24, 2003**

The new DUI law revised in Fall, 2003  
Adopted by the Court, 1-20-06

All first time D.U.I. Offenders shall be eligible for placement into the ARD Program with the exception of the following:

1. Any prior conviction or adjudication of a misdemeanor or felony or prior admission into the ARD Program or given a consent decree. However, Defendant shall still be eligible if they have no more than one of the following:
    - a. One (1) non-violent misdemeanor, which occurred more than ten (10) years ago.
    - b. One (1) non-violent felony, which occurred more than ten (10) years ago, or
    - c. A DUI which occurred more than ten (10) years ago with nothing else in their criminal history.
    - d. One admission into an ARD Program (or consent decree) which was not for DUI and which occurred more than ten (10) years ago.
  2. a. Those who have an additional offense (s) filed in connection with the present offense in relation to 3802. A list of said offenses are:
    - 3732 Homicide by Vehicle (M1)
    - 3733 Fleeing/Attempting to Elude (M2)
    - 3734 Driving Without Lights to Avoid Identification or Arrest (S)
    - 3735 Homicide by Motor Vehicle While Driving Under the Influence (F3)
    - 3736 Reckless Driving (S)
    - 3767 Racing on Highway (S)
    - 3742 Accidents Involving Death or Personal Injury (M3), (M1), (F3)
    - 3743 Accidents Involving Damage to Attended Vehicles or Property (M3)
  - b. Any person charged with summary offense of required financial responsibility will be eligible for ARD upon the condition that they serve two (2) days in the Clearfield County Jail.
  3. A DUI charge filed with the offense of Driving Under Suspension (S).
  4. There was a passenger under fourteen years of age in the motor vehicle the defendant was operating.
  5. An accident occurred in connection with the events surrounding the current offense and an individual other than the defendant was killed or suffered serious bodily injury or bodily injury as a result of the accident.
  6. Any conviction for Indirect Criminal Contempt that occurred within the last seven (7) years.
- NOTE:** All the above convictions or adjudications or ARD Program are based on the date of conviction or admission into the program of the prior offense and date of offense on new charge.
7. Those who have more than one prior Summary Conviction in the past two (2) years where the use of an alcoholic beverage was an element of the offense or five (5) or more summary offenses in the past seven (7) years either alcohol or non-alcohol related.

In addition to the \$650.00 costs of the Program and costs of prosecution, conditions of the Program shall include the following:

1. Complete and pay for the alcohol safe highway school.
2. Complete a CRN evaluation.
3. **Successfully participate in** and pay for drug and alcohol treatment, if recommended.
4. Make restitution for financial loss.
5. Pay municipal costs and fees and any other fees required by law.
6. Complete a thirty (30) day license suspension for BACs of .10 % to .16 %. In addition, commercial vehicles .04 or greater, school vehicles .02 or above.
  - a. Minors .02 or greater; 90 days suspension.
7. Complete a sixty (60) day license suspension for BACs of .16 and above and if the BAC is unknown (refusal) or if involved in a crash that resulted in bodily injury or property damage. There is no license suspension for .08% and .09 %. There shall be a sixty (60) day license suspension in connection with the use of drug.
8. Remain on Court supervision for six (6) months to twelve (12) months.
9. Complete community service in the amount of thirty (30) hours for a thirty (30) day license suspension or complete community service in the amount of sixty (60) hours for a sixty (60) day license suspension; ninety (90) hours for a ninety (90) day license suspension.
10. Complete community service in the amount of twenty (20) hours for a .08% or .09% BAC.
11. If the blood alcohol limit is .16 or above, a drug and alcohol assessment is required at Gateway Drug and Alcohol at a costs of \$75.00.

Driver's license will be surrendered when requested by the Department of Transportation or Specified by the Court.

By Statute, there is no occupational limited license permitted for ARD DUI cases until the suspension imposed for that offense has been fully served.

Anyone found in violation of the ARD Program, upon conviction or a guilty plea, will receive a minimum of four (4) days incarceration regardless of the BAC.

**NOTE:** All DUI's must have a CRN evaluation completed through the Clearfield County DUI School of Dagher's Diagnostic [(814)-375-4335]. Failure to have a CRN completed may result in failure to be included into the ARD Program.