



## **The Lehigh County ARD Program**

For more information on the ARD program, please visit our ["What is the ARD program"](#) section. As discussed, admission into the ARD program is strictly within the authority of the District Attorney's Office of the county where the offense occurred.

Prior to the new DUI laws of February 1, 2004, each county's ARD requirements and driver's license suspensions varied. For example, Montgomery County and Bucks County used to impose a 30 day loss of license, while in Northampton and Lehigh County the license suspension was four to six months or more! The Pennsylvania legislature, with help from defense attorneys and various law enforcement agencies sought to establish some sort of uniformity to the ARD requirements, including the amount of time you will lose your drivers license. In particular, they established the general rule that your blood alcohol level generally dictates how long your drivers license will be suspended.

As a general rule, if your BAC is between a .08 and a .099, there is no loss of license. A BAC between .10 and .159 mandates a thirty (30) day loss of license and a BAC of .159 and above results in a sixty (60) day loss of license.

In spite of this rule, many different variables still remain between the various ARD programs. The costs, required treatment, length of probation, methods of application and acceptance, alcohol classes, examination of prior criminal record, community service and the ability/requirement that the defendant waive certain court appearances are just some of the remaining factors in the maze of the ARD program the defendant is expected to navigate.

Accordingly, hereafter I will attempt to specifically answer these questions as they pertain to Lehigh County.

### **ARD in Lehigh County**

For the most part, Lehigh County is probably one of the most fortunate places you could get a DUI. All cases are funneled to A. Renee Smith, Deputy District Attorney for Lehigh County and the head of the ARD department. Ms. Smith has been in this position for many years. Unlike some counties, DUIs are always assigned to her team and not some random ADA. She has a wealth of experience in DUI jurisprudence. As such, she can quickly look at a case and decide whether it deserves admission into the ARD program. In my experience, she is extremely fair and reasonable in her decisions. In fact, in rare circumstances, if your blood alcohol is right on the border between two tiers (i.e. .10 or a .16) she may even consider lowering your suspension to the lower tier if you have the right attorney.

### **Costs**

The fines and costs for the ARD program are around \$1500.00. One of the only drawbacks to Lehigh County is that they require payment in full of all costs before your license is restored. However, an attorney can lower these costs considerably by having your summary offenses and other charges dismissed.

### **Treatment**

Like all counties, you must attend a CRN evaluation. The CRN evaluation takes place at the probation department and they will suggest whether you need additional treatment for alcohol and/or drugs. If your BAC was above a .159 you will also be required to attend a full Drug and Alcohol assessment. At the full drug and alcohol assessment, the provider has the ability

to require you to complete additional treatment, if she deems it necessary. You have to pay for this assessment; however, most providers take insurance. Here's the rub. Most of these providers have it in their best interest to find that you have a problem (usually level 1A dependence) so that you need to come back for another 10-15 hours of treatment at a price of \$40-80 a hour! At **The Law Offices of Jason A. Jenkins** we can ensure that you avoid those providers known for rubber-stamping additional treatment, saving you a considerable amount of money.

### **Past Criminal record**

In Lehigh County, absent an extensive criminal record, you should be accepted into the ARD program. In fact, we can probably get you ARD for your DUI even if you were on ARD for a previous non-DUI criminal matter (like underage drinking or drug possession).

### **Alcohol Classes**

You get to pick the day of your classes, usually a weekday night or Saturday mornings. The classes meet for 2 ½ hours, five weeks in a row. The classes are called Alcohol Highway Safe Driving Classes and are an informative look at alcohol and alcohol related vehicle issues.

### **Length of Probation**

One year, with the possibility of a reduction to six months if you complete all of your requirements. Lehigh County does not require those individuals on ARD to submit to drug testing.

### **Community Service**

There is no requirement for community service.

### **Application Process**

There is not a formal application. We request admission at the time of your arraignment or thereafter at your first status conference.

### **Waiver of Court Dates**

Thankfully, there is no requirement in Lehigh County that you waive your preliminary hearing to be considered for ARD. Unfortunately, you can not waive your arraignment either. Thus, the ARD process may involve three court dates instead of two.

### **Summary Offenses**

Most summary offenses will only be dismissed if you have an attorney. Underage drinking and Driving Under Suspension are exceptions to this rule because they involve an additional license suspension. If you are charged with one of these offenses, or offenses involving point violations (like careless driving), you should speak with us right away.