



*Montgomery County Court House*  
*Morrisstown, Pennsylvania*

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 Montgomery County.

### **ARD in Montgomery County**

I really enjoy practicing in Montgomery County. They have excellent judges, many of whom are former federal judges. For the most part, Montgomery County is one of the more fortunate places you could get a DUI as a first-time offender. However, Montgomery County does not offer house arrest. They also do not give ARD more than once, even if your last offense was more than ten years ago. So if this is your second offense you could be looking at ninety days in jail. All ARD cases are funneled to Karen G. Ricca, Deputy District Attorney for Montgomery County and the head of the ARD department. Ms. Ricca 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 an excellent knowledge of Pennsylvania DUI law. She is also more receptive to Suppression and other pre-trial motions.

### **Costs**

The fines and costs for the ARD program are about \$1700.00. You need to pay \$500.00 on the date you are admitted into the ARD. The remaining balance is due within 9 months. However, an attorney can lower your costs considerably by having your summary offenses and other charges incorporated into the ARD agreement.

## **Treatment**

Like all counties, you must attend a CRN evaluation prior to the ARD hearing. 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. You have to pay for this assessment; however, most providers take insurance. Most likely you will be forced to attend some form of additional treatment.

## **Past Criminal record**

In Montgomery County, without representation you will not be accepted into the ARD program if you have misdemeanor or felony convictions. A good attorney will still be able to get you admitted if your record only contains a minor crime like drug possession or retail theft. In addition, in Montgomery County if previously used ARD for a non-DUI offense, you will need an experienced attorney to ensure you can get ARD for the current DUI offense.

## **Alcohol Classes**

You will be required to complete alcohol classes. Usually the classes are about eight hours spread over two four-hour sessions. 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, unless your BAC is below a .10 in which case it's six months.



## **Community Service**

There is a requirement for fifty (50) hours of community service. If you hire an attorney or you waive your preliminary hearing, you will probably only have to complete twelve (12) hours of community service. If you hire an attorney, you also will be able to choose where you elect to perform these hours.

## **Application Process**

There is a formal application for admission into the ARD program. We assist our clients in preparing the application to determine eligibility, including providing the notary fees. It is very important that the applicant is truthful and discloses all prior offenses and convictions.

## **Waiver of Court Dates**

Thankfully, there is no formal requirement in Montgomery County that you waive your preliminary hearing to be considered for ARD. Additionally, you can also waive your arraignment. Thus, the ARD process may involve as little as two court dates. This results in cheaper rates when hiring representation.

## **Summary Offenses**

Most summary offenses will only be dismissed or incorporated into the ARD order 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.