

YORK COUNTY COURT OF COMMON PLEAS

DUI TREATMENT COURT ELIGIBILITY FORM INSTRUCTION SHEET

PLEASE PROCESS THE "DUI COURT ELIGIBILITY FORM AS FOLLOWS:

1. Check all items under Presumptive Qualifying Characteristics, which apply to the applicant.
2. Attach copies of all pending criminal complaints and probable cause affidavits to the DUI Court Eligibility Form.
3. Attach CRN evaluation. If the CRN evaluation has not yet been completed, follow the procedure outlined in the *DUI CRN Referral* received from the Magisterial District Judge.
4. Attach the DUI Status Form with the drug & alcohol evaluation results. The evaluation must be completed at one of the agencies listed on the attached *DUI Court Drug & Alcohol Evaluation Referral*.
5. Forward via mail or fax (771-9775) to the Treatment Court Administrator's Office, 45 N. George Street, York, Pa. 17401, no more than 30 days after arraignment.
6. Any questions please call Lindsay Keller, DUI Court Administrative Assistant at 771-9602 x251 or Michael Stough, Treatment Court Administrator at 771-9602 x241.

DISQUALIFYING CHARACTERISTICS

- A. Current DUI offense is **not** a Second Offense Third Tier; Third offense Second Tier or a Third offense Third Tier within ten years.
- B. All Sex offenses under Pa 3104 Chapter 31 **will not** be considered. Indecent Exposure and Open Lewdness will be considered on an individual case basis at the discretion of the District Attorney's office.
- C. An accident occurred in connection with the events surrounding the current offense and an individual other than the applicant was killed or suffered serious bodily injury as a result of the crash **will not** be considered.
- D. Passenger under the age of 14 in the applicant's motor vehicle
- E. No other pending charges, which would deem an individual ineligible.
- F. Crimes committed with a firearm **will not** be considered under any circumstances.
- G. Felony crimes of violence (i.e. Aggravated Assault, Arson, Robbery) will be excluded
 - a. Other crimes that include threat and/or violence against another individual not listed as a mandatory exclusion will be considered on an individual case basis at the discretion of the District Attorney's office.
- H. Possession of controlled substances in amounts exceeding the mandatory amounts will be considered on an individual case basis at the discretion of the District Attorney's office.
- I. Persons who are classified as "violent offenders" under Federal Guidelines.

"Violent Offender" means a person who either:

 - a. Is charged with or convicted of an offense during the course of which
 1. The person carried, possessed, or used a firearm or other dangerous weapon;
 2. There occurred the use of force against the person of another; or
 3. There occurred the death of, or serious bodily injury to any person without regard to whether any of the circumstances described above was an element of the offense or conduct of which or for which the person was charged or convicted; or
- J. Have one or more prior convictions of a felony crime of violence involving the use or attempted use of force against a person with the intent to cause death or serious bodily harm **will not be considered**.
- K. Not a York County Resident.

Final determination of DUI Court eligibility will be decided after review of all pertinent information by the District Attorney's Office.