

IN THE COURT OF COMMON PLEAS OF BUCKS COUNTY, PENNSYLVANIA
CRIMINAL DIVISION

IN RE: DISTRICT COURT DIVERSIONARY : Administrative Order No. 90
PROGRAM :

ORDER

AND NOW, this 7th day of May, 2018, in order to address the abuse of opioids and other drugs prevalent in our society by offering immediate treatment for offenders charged at the earliest point in our criminal justice system and to allow for alternative dispositions, it is hereby ordered and directed as follows:

1. Individual defendants shall be referred by the Magisterial District Judge, at or prior to the preliminary hearing, to the District Attorney for consideration for diversion for treatment for drug-related behavioral problems.

2. If the defendant is approved for this diversionary program, the Magisterial District Judge shall continue the preliminary hearing to permit the defendant to be assessed to determine whether he must participate in a drug treatment program. If the defendant is assessed and determined to not need treatment, then he shall be mandated to take a one-day decisions class.

3. To qualify for a referral, a defendant who is charged with violations of Sections 780-113(a)(16), (31) and (32) of the Controlled Substance, Drug, Device and Cosmetic Act related to marijuana must meet the following qualifications:

- a. Be a resident of Bucks County;
- b. Be approved by the District Attorney;

- c. Execute a waiver of the preliminary hearing and a waiver of the Rule 600 right to a speedy trial;
- d. Execute the appropriate documents, including irrevocable waivers related to treatment programs, the District Attorney and the Court; and
- e. Agree to comply with treatment conditions and to report to the Court as directed.

4. To qualify for a referral, a defendant who is charged with violations of Sections 780-113(a)(16) and (32) of the Controlled Substance, Drug, Device and Cosmetic Act related to any controlled substance other than marijuana must meet the following qualifications:

- a. Be a resident of Bucks County;
- b. Be approved by the District Attorney;
- c. Have no prior criminal convictions;
- d. Execute a waiver of the preliminary hearing and a waiver of the Rule 600 right to a speedy trial;
- e. Execute the appropriate documents, including irrevocable waivers related to treatment programs, the District Attorney and the Court; and
- f. Agree to comply with treatment conditions and to report to the Court as directed.

5. All costs associated by the District Court Diversionary Program shall be borne by the defendant, unless waived due to indigency by the referring Magisterial District Judge with the agreement of the District Attorney.

6. Upon completion of all treatment conditions and supervisory period imposed as a result of the drug assessment and payment of all costs, the criminal charges shall be dismissed by the Magisterial District Judge and all records of the charges shall be expunged for first time

offenders from the system, except that the District Attorney shall retain a record of the defendant's participation in the program. The District Attorney may agree at his discretion to expunge any other offender's arrest upon application of the offender and for good cause shown.

7. Should the defendant fail to complete the program, then the case will proceed through the normal criminal case process in the Court of Common Pleas.

This Order shall take effect on July 1, 2018.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Jeffrey L. Finley", written over a horizontal line.

Jeffrey L. Finley, President Judge