

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

IN RE: EXPUNGEMENT UPON
SUCCESSFUL COMPLETION
OF ARD PURSUANT TO
Leh. R. Crim.P. 320

AD-4-2012

CLERK OF COURT
LEHIGH COUNTY, PA

2012 MAY 23 AM 10:43

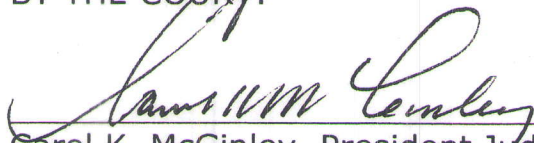
FILED

ADMINISTRATIVE ORDER

AND NOW, this 22nd day of May, 2012, I, IS
HEREBY ORDERED that Lehigh Rule of Criminal Procedure 320
EXPUNGEMENT UPON SUCCESSFUL COMPLETION OF ARD, attached
hereto, is adopted and shall become effective 30 days after publication
in the *Pennsylvania Bulletin*;

IT IS FURTHER ORDERED THAT one (1) certified copy of this Order
shall be filed by the Court Administrator of Lehigh County with the
Administrative Office of the Pennsylvania Courts; that two (2) certified
copies and a CD-ROM copy that complies with the requirement of Pa.
Code §13.11(b) shall be filed with the Legislative Reference Bureau for
publication in the *Pennsylvania Bulletin*; that one (1) certified copy
shall be file with the Criminal Procedure Rules Committee, which
Committee has certified to this court that this Administrative Order is
not inconsistent with any general rule of the Supreme Court. Finally, it
is ordered that the Court Administrator of Lehigh County publish a
copy of this Order on the Unified Judicial System's web site at
<http://ujportal.pacourts.us/localrules/ruleselection.aspx>.

BY THE COURT:


Carol K. McGinley, President Judge

Leh. R. Cr. P. 320. Expungement Upon Successful Completion of ARD

1. The following procedure is to be effective for both DUI and Non-DUI criminal cases;
2. Criminal defendants accepted into the ARD Program will be charged appropriate fees to cover expungement which *shall* take place upon successful completion of the Program;
3. Expungement fees collected are *in addition to* any and all other applicable costs, fees and restitution assessed as part of the ARD Program;
4. At the expiration of the designated supervision period, the Adult Probation department will determine all those defendants who have successfully completed the ARD Program and whose cases shall be closed for supervision;
5. Successful completion includes full payment of all costs and restitution;
6. All ARD case closures will be reported to the Clerk of Judicial Records – Criminal Division who will forward a list of the successful completions to the Office of the District Attorney;
7. The District Attorney shall review the list of successful completions and may object to the expungement of the records of any particular defendant;
8. Such objection must be filed in a petition with proper service to all parties and a hearing shall be scheduled before the Court;
9. Once reviewed and approved by the District Attorney, the Clerk of Judicial Records – Criminal Division shall prepare Orders of Dismissal and Expungement to be signed by the Court;
10. Records will *not* be expunged for those defendants whose cases have been closed for supervision but who have not successfully completed all conditions;
11. Expungement fees collected from those defendants who do not successfully complete the ARD Program and, therefore, are not entitled to expungement will be refunded;

12. Upon satisfactory completion of all outstanding conditions subsequent to case closure, a defendant may petition the Court for dismissal of charges and expungement upon payment of the appropriate filing fee; *pro se* petitions may be obtained online at *lccpa.org* or in the office of the Court Administrator and the Clerk of Judicial Records – Criminal Division;
13. Expungement after successful completion of ARD is **expressly prohibited** for certain offenses specifically delineated in 18 Pa.C.S.A. §9122(b.1) and will not be granted.

Note: This Rule was adopted by an Administrative Order dated May 22, 2012 and published in the *Pennsylvania Bulletin*, and became effective 30 days from the date of publication.