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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 421

Session of  
1983

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INTRODUCED BY PETRARCA, STAIRS, BOWSER, RIEGER AND DONATUCCI,  
MARCH 16, 1983

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REFERRED TO COMMITTEE ON JUDICIARY, MARCH 16, 1983

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AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the  
2 Pennsylvania Consolidated Statutes, providing for the  
3 precedence of substance over procedure in criminal cases.

4 The General Assembly of the Commonwealth of Pennsylvania  
5 hereby enacts as follows:

6 Section 1. Title 42 of the Pennsylvania Consolidated  
7 Statutes is amended by adding a section to read:

8 § 8703. Precedence of substance over procedure.

9 In any criminal proceeding, the guilt or innocence of the  
10 defendant and other matters of substance shall take precedence  
11 over matters of procedure and no sentence given a convicted  
12 defendant shall be overturned or reduced because of the  
13 subsequent discovery of a procedural defect in the proceedings  
14 which bears no relation to the issue of guilt or innocence.

15 Section 2. This act shall take effect immediately.