

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1308 Session of
2005

INTRODUCED BY WASHINGTON, THOMAS, MYERS, JOSEPHS, JAMES,
HERSHEY, BLACKWELL, CALTAGIRONE AND KIRKLAND, APRIL 11, 2005

REFERRED TO COMMITTEE ON JUDICIARY, APRIL 11, 2005

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, providing for the offense of
3 prosecutorial misconduct.

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

6 Section 1. Title 18 of the Pennsylvania Consolidated
7 Statutes is amended by adding a section to read:

8 § 5304. Prosecutorial misconduct.

9 (a) Offense defined.--A person who is a prosecutor in a
10 criminal proceeding in this Commonwealth and, while acting
11 within the scope of his official duties, intentionally withholds
12 information from the criminal defendant who is convicted and
13 which information, if introduced as evidence in the criminal
14 proceeding, would likely have caused the trier of fact to form a
15 reasonable doubt as to the criminal defendant's guilt commits an
16 offense.

17 (b) Grading.--An offense committed under this section shall
18 be a felony of the third degree with a term of imprisonment

1 equal to twice that of the maximum term of imprisonment that the
2 criminal defendant could have been sentenced to or was sentenced
3 to by the court, whichever is less.

4 Section 2. This act shall take effect in 60 days.