

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 189

Session of
1985

INTRODUCED BY PETRARCA, HALUSKA, FARGO, DIETZ, GODSHALL, TRELLO,
JOHNSON, TIGUE, E. Z. TAYLOR, WOZNIAK, STABACK AND SALOOM,
FEBRUARY 5, 1985

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 5, 1985

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 in 60 days.