
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1637 Session of
1997

INTRODUCED BY CORRIGAN, MCGEEHAN, BUTKOVITZ, KELLER AND TIGUE,
JUNE 11, 1997

REFERRED TO COMMITTEE ON JUDICIARY, JUNE 11, 1997

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, further providing for prosecution
3 barred by former prosecution for different offense.

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

6 Section 1. Section 110(1) of Title 18 of the Pennsylvania
7 Consolidated Statutes is amended to read:

8 § 110. When prosecution barred by former prosecution for
9 different offense.

10 Although a prosecution is for a violation of a different
11 provision of the statutes than a former prosecution or is based
12 on different facts, it is barred by such former prosecution
13 under the following circumstances:

14 (1) The former prosecution resulted in an acquittal or
15 in a conviction as defined in section 109 of this title
16 (relating to when prosecution barred by former prosecution
17 for the same offense), the defendant has requested joinder of
18 any existing charge that is subject to this section, and the

1 subsequent prosecution is for:

2 (i) any offense of which the defendant could have
3 been convicted on the first prosecution;

4 (ii) any offense based on the same conduct or
5 arising from the same criminal episode, if such offense
6 was known to the appropriate prosecuting officer at the
7 time of the commencement of the first trial and was
8 within the jurisdiction of a single court unless the
9 court ordered a separate trial of the charge of such
10 offense; or

11 (iii) the same conduct, unless:

12 (A) the offense of which the defendant was
13 formerly convicted or acquitted and the offense for
14 which he is subsequently prosecuted each requires
15 proof of a fact not required by the other and the law
16 defining each of such offenses is intended to prevent
17 a substantially different harm or evil; or

18 (B) the second offense was not consummated when
19 the former trial began.

20 * * *

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