
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1231 Session of
2021

INTRODUCED BY WHITE, KEEFER, PICKETT, SCHMITT, MILLARD, RYAN,
HENNESSEY, KAUFFMAN, NEILSON AND SMITH, APRIL 20, 2021

REFERRED TO COMMITTEE ON JUDICIARY, APRIL 20, 2021

AN ACT

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

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

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

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

11 [Although] (a) General rule.--Although a prosecution is for
12 a violation of a different provision of the statutes than a
13 former prosecution or is based on different facts, it is barred
14 by such former prosecution under the following circumstances:

15 (1) The former prosecution resulted in an acquittal or
16 in a conviction as defined in section 109 of this title
17 (relating to when prosecution barred by former prosecution
18 for the same offense) and the subsequent prosecution is for:

19 (i) any offense of which the defendant could have

1 been convicted on the first prosecution;

2 (ii) any offense based on the same conduct or
3 arising from the same criminal episode, if such offense
4 was known to the appropriate prosecuting officer at the
5 time of the commencement of the first trial and occurred
6 within the same judicial district as the former
7 prosecution unless the court ordered a separate trial of
8 the charge of such offense; or

9 (iii) the same conduct, unless:

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

16 (B) the second offense was not consummated when
17 the former trial began.

18 (2) The former prosecution was terminated, after the
19 indictment was found, by an acquittal or by a final order or
20 judgment for the defendant which has not been set aside,
21 reversed or vacated and which acquittal, final order or
22 judgment necessarily required a determination inconsistent
23 with a fact which must be established for conviction of the
24 second offense.

25 (3) The former prosecution was improperly terminated, as
26 improper termination is defined in section 109 of this title
27 (relating to when prosecution barred by former prosecution
28 for the same offense) and the subsequent prosecution is for
29 an offense of which the defendant could have been convicted
30 had the former prosecution not been improperly terminated.

1 (b) Exception.--Subsection (a)(1)(ii) and (iii) do not apply
2 if the offense of which the defendant was formerly convicted or
3 acquitted was a summary offense.

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