
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 839

Session of
1975

INTRODUCED BY FISHER, CAPUTO, CESSAR, ZORD AND MRKONIC,
MARCH 18, 1975

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 19, 1975

AN ACT

1 Amending the act of March 31, 1860 (P.L.427, No.375), entitled
2 "An act to Consolidate, Revise and Amend the Laws of this
3 Commonwealth relating to Penal Proceedings and Pleadings,"
4 permitting a joint trial of certain defendants in the
5 discretion of the court.

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

8 Section 1. Section 40, act of March 31, 1860 (P.L.427,
9 No.375), entitled "An act to Consolidate, Revise and Amend the
10 Laws of this Commonwealth relating to Penal Proceedings and
11 Pleadings," is amended to read:

12 Section 40. In all cases in which two or more persons are
13 jointly indicted for any offence, it shall be in the discretion
14 of the court to try them jointly or severally, [except that in
15 cases of felonious homicide, the parties charged shall have the
16 right to demand separate trials;] and in all cases of joint
17 trials, the accused shall have the right to the same number of
18 peremptory challenges to which either would be entitled if
19 separately tried, and no more.

1 Section 2. This act shall take effect immediately.