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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 588 Session of  
2021

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INTRODUCED BY GORDNER AND HUGHES, APRIL 21, 2021

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REFERRED TO JUDICIARY, APRIL 21, 2021

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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(1) 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 prosecution is for a violation of a different  
12 provision of the statutes than a former prosecution or is based  
13 on different facts, it is barred by such former prosecution  
14 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 the offense of which the  
9           defendant was formerly convicted or acquitted was a  
10          summary offense or a summary traffic 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.

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21          Section 2. This act shall take effect immediately.