
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 864 Session of
2019

INTRODUCED BY HUGHES, SEPTEMBER 30, 2019

REFERRED TO JUDICIARY, SEPTEMBER 30, 2019

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 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.

20 * * *

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