

No. 213

AN ACT

SB 179

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

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

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

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

Section 2. This act shall take effect immediately.

APPROVED—The 7th day of October, A. D. 1976.

MILTON J. SHAPP