



TITLE 18 – PENNSYLVANIA CRIMES CODE

FOUNDATIONS EVERY MDJ CANDIDATE MUST KNOW

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OF 6

WHAT MAKES A CRIME?

A crime generally requires:



MENS REA

Mental State

(Intentional • Knowing
Reckless • Negligent)



ACTUS REUS

Criminal Act
or Omission

+



CRIMINAL LIABILITY



TERRITORIAL JURISDICTION

When Pennsylvania Has Authority

Pennsylvania may prosecute when:

- 1 Crime occurs in PA
- 2 Result occurs in PA
- 3 Attempt occurs outside PA but targets PA
- 4 Conspiracy outside PA furthers a crime in PA
- 5 Omission violates a legal duty owed in PA
- 6 Conduct outside PA affects a legitimate PA interest



OUTSIDE PA



AFFECTS
PENNSYLVANIA



PENNSYLVANIA
COURT
JURISDICTION



REMEMBER

MDJ AUTHORITY

MDJs determine guilt in:

**SUMMARY OFFENSES
ONLY**

MDJs ALSO HANDLE:

- ✓ Preliminary Arraignments
- ✓ Bail Determinations
- ✓ Preliminary Hearings
- ✓ Warrants
- ✓ Summary Trials



**MDJs ARE NOT
A MOTIONS COURT**

Motions generally belong in
the Court of Common Pleas.



CLASSES OF OFFENSES

PENNSYLVANIA CRIME LADDER



MAXIMUM SENTENCE

GRADE	MAXIMUM SENTENCE
First-Degree Murder	Life Imprisonment or Death
F1	20 Years
F2	10 Years
F3	7 Years
M1	5 Years
M2	2 Years
M3	1 Year
Summary	90 Days

★ QUICK EXAMPLES ★



Retail
Theft



Criminal
Mischief



Assault



Theft

Can all appear at different grading levels
depending on facts and value involved.

★ HIGH-YIELD FACTS

- ✓ Title 18 contains Pennsylvania's Crimes Code.
- ✓ Crimes require analysis of both mental state and conduct.
- ✓ Jurisdiction must exist before prosecution may proceed.
- ✓ Summary cases are the only criminal cases where MDJs determine guilt.



TITLE 18 – PENNSYLVANIA CRIMES CODE CLASSES OF OFFENSES



PENNSYLVANIA'S CRIMES ARE ORGANIZED BY SEVERITY

THE CRIME LADDER

Offenses are graded from most serious at the top to least serious at the bottom.



MAXIMUM SENTENCE FOR EACH GRADE

GRADE	DESCRIPTION	MAXIMUM SENTENCE
MURDER	First-Degree Murder	Life Imprisonment or Death
F1	Felony of the First Degree	20 Years
F2	Felony of the Second Degree	10 Years
F3	Felony of the Third Degree	7 Years
M1	Misdemeanor of the First Degree	5 Years
M2	Misdemeanor of the Second Degree	2 Years
M3	Misdemeanor of the Third Degree	1 Year
SUMMARY	Summary Offense	90 Days

* These are the **MAXIMUM** sentences. The actual sentence imposed may be less.

WHAT DOES THIS MEAN?

The same type of offense can be graded differently depending on the facts. The value of property, the level of harm, and other factors determine the grade.

EXAMPLES

RETAIL THEFT	→ Can be graded from Summary Offense up to Felony of the Third Degree
CRIMINAL MISCHIEF	→ Can be graded from Summary Offense up to Felony of the Second Degree
ASSAULT	→ Can be graded from Summary Offense up to Felony of the First Degree
THEFT	→ Can be graded from Summary Offense up to Felony of the First Degree

KEY TAKEAWAY



Always look at the facts of the case to determine the correct grading level.

REMEMBER

FIRST-DEGREE MURDER

=

LIFE IMPRISONMENT OR DEATH

This is the most serious crime under Pennsylvania law.



HIGH-YIELD FACTS

✓ Offenses are graded by statute (18 Pa.C.S. §106).

✓ The grade determines the maximum sentence.

✓ Knowing the grading ladder is essential for MDJ decision-making.



TITLE 18 – PENNSYLVANIA CRIMES CODE

MENS REA (MENTAL STATE)

THE MIND BEHIND THE CRIME



Mens Rea is the mental state and intent of the defendant when committing a crime. Pennsylvania recognizes **FOUR** levels of culpability.

THE FOUR LEVELS OF CULPABILITY



KEY POINTS



Mens rea must be proven by the Commonwealth for most crimes.



The required mental state depends on the specific offense.



Ignoring the mens rea element can lead to wrong conclusions.



Always identify the mental state required by the statute.

EXAMPLES OF MENTAL STATES

Mental State	Example
Intentional	A intends to hit B with a baseball bat.
Knowing	A knows the gun is loaded and pulls the trigger.
Reckless	A speeds through a school zone at 60 mph.
Negligent	A leaves a lit candle near curtains and starts a fire.

WHY IT MATTERS



- ✓ Determines the level of criminal liability.
- ✓ Affects the grading of the offense.
- ✓ Affects available defenses.
- ✓ Required for conviction on most crimes.

! REMEMBER ★

EVERY CRIME REQUIRES ANALYSIS OF:

ACTUS REUS
(THE CRIMINAL ACT)

+

MENS REA
(THE MENTAL STATE)

=



CRIMINAL LIABILITY

NO CRIMINAL LIABILITY WITHOUT EXAMINING BOTH ELEMENTS.

QUICK CHECK



When analyzing a criminal charge, always ask yourself:

- What did the defendant **DO**?
- What was the defendant's **MENTAL STATE**?



Understanding mens rea is essential to applying the Crimes Code correctly.

TITLE 18 – PENNSYLVANIA CRIMES CODE **ACTUS REUS + CAUSE & RESULT**



THE CONDUCT THAT CREATES CRIMINAL LIABILITY

ACTUS REUS

THE CRIMINAL ACT

The defendant's conduct—what the defendant **DID** or **FAILED** to do.



PHYSICAL ACT

A voluntary bodily movement (e.g., hitting, driving, taking).



OMISSION

A failure to act when the defendant had a legal duty to act.
(Examples: parent, caretaker, contractual duty, statute)



POSSESSION

Having actual or constructive control over an item.



CAUSE & RESULT

THE LINK BETWEEN CONDUCT AND HARM

The act (or omission) must **cause** a **result** that the law prohibits.



CAUSATION

The defendant's act must be a substantial factor in bringing about the result.



RESULT

The harm or prohibited result that occurs (e.g., death, injury, property damage).

TRANSFERRED INTENT



A intends to shoot A, but hits B instead.
A's intent transfers to B. A is liable.

REMEMBER!

THE MOST IMPORTANT QUESTION:



WHAT SPECIFICALLY DID THE DEFENDANT DO THAT CAUSED THE CRIME?

- ✓ Always start with the **CONDUCT** (actus reus).
- ✓ Then determine the **CAUSE & RESULT**.

NO ACTUS REUS = NO CRIME

REAL WORLD EXAMPLE

SCENARIO: DRIVER HITS PEDESTRIAN

The driver intended to scare the pedestrian by swerving toward them, but the pedestrian was seriously injured.



ACTUS REUS

- The driver intentionally swerved the vehicle toward the pedestrian.



CAUSE & RESULT

- The swerve was a substantial factor in causing the injury.
- The injury is the prohibited result.

Both elements are present.

The driver can be criminally liable for the injury.

KEY TAKEAWAYS



Actus reus is the "what the defendant did or failed to do."



Causation links the conduct to the prohibited result.



Transferred intent keeps criminals from escaping liability.



Courts require proof of **BOTH** elements.

★ **CONDUCT + CAUSE & RESULT = CRIMINAL LIABILITY** ★

TITLE 18 – PENNSYLVANIA CRIMES CODE INCHOATE CRIMES



CRIMES OF INTENT BEFORE THE CRIME IS COMPLETED



Inchoate crimes are offenses that involve an intent to commit a crime, but the crime is **not completed**.



ATTEMPT

18 Pa.C.S. § 901

DEFINITION

A person, with the **intent** to commit a specific crime, does any act which constitutes a **substantial step** toward commission of that crime.

ELEMENTS

- 1 Intent to commit the specific crime.
- 2 An act constituting a substantial step toward commission.
- 3 The crime does not occur.

DEFENSES / NOTES



- Impossibility is generally not a defense.
- Abandonment is not a defense unless otherwise provided by law.
- Substantial step must be strongly corroborative of criminal intent.

EXAMPLE



A intends to rob a store and takes out a weapon, masks up, and walks toward the entrance but is stopped by police.
A can be guilty of **Attempt**.



SOLICITATION

18 Pa.C.S. § 902

DEFINITION

A person, with the intent that another commit a specific crime, **commands, encourages, or requests** that other person to engage in or cause the engagement in conduct that would constitute that crime.

ELEMENTS

- 1 Intent that another commit a crime.
- 2 Commands, encourages, or requests another to commit it.
- 3 The solicited crime is not completed.

DEFENSES / NOTES



- Mere approval of a crime is not solicitation.
- Withdrawal prior to the crime may be a defense.

EXAMPLE



B asks C to break into a warehouse for payment.
Even if C refuses, B can be guilty of **Solicitation**.



CONSPIRACY

18 Pa.C.S. § 903

DEFINITION

Two or more persons **agree** to commit a crime and one or more of them does an **act in furtherance** of the conspiracy.

ELEMENTS

- 1 An agreement between two or more persons to commit a crime.
- 2 An act in furtherance of the agreement by one or more of the conspirators.
- 3 The agreed-upon crime is not completed.

DEFENSES / NOTES



- Mere presence or association is not sufficient.
- Withdrawal (renunciation) before the crime may be a defense.

EXAMPLE



D, E, and F agree to commit a burglary.
E drives the getaway car.
Even if the burglary fails, all can be guilty of **Conspiracy**.

REMEMBER!

ALL THREE INCHOATE CRIMES
REQUIRE INTENT



ATTEMPT
Intent to commit the crime



SOLICITATION
Intent that another commit the crime



CONSPIRACY
Intent to agree to commit the crime.

WITHOUT INTENT, THERE IS NO INCHOATE CRIME.



KEY TAKEAWAY

Inchoate crimes are dangerous because they punish criminal intent and early criminal conduct before the harm occurs.



The law steps in early to prevent crime and protect society.

COMPARING THE THREE

Crime	Focus	Key Act	People Involved	When It's Complete
Attempt	Doing	Substantial Step	One Person	When substantial step is taken
Solicitation	Asking	Command, Encourage, or Request	Two Persons	When the request, command, or encouragement is made
Conspiracy	Agreeing	Act in Furtherance	Two or More Persons	When agreement is formed and act is done

★ INTENT + ACTION = CRIMINAL LIABILITY ★

TITLE 18 – PENNSYLVANIA CRIMES CODE

LIABILITY FOR CONDUCT OF ANOTHER



HOLDING OTHERS ACCOUNTABLE UNDER THE LAW



ACCOMPLICE LIABILITY

A person is criminally liable for the conduct of another if, with the intent to promote or facilitate the commission of the offense, he or she:

- 1 Solicits or requests the other person to commit it;
- 2 Commands, encourages, or requests the other person to commit it;
- 3 Conspires with the other person to commit it; or
- 4 Aids, agrees or attempts to aid the other person in planning or committing it.



KEY REQUIREMENT

The person must have the **INTENT** to promote or facilitate the crime.

WHEN A PERSON IS NOT AN ACCOMPLICE



- Mere presence at the scene of a crime.
- Mere knowledge that a crime is being committed.
- Mere failure to report the crime.
- Mere association with the principal.
- After-the-fact assistance (e.g., helping hide evidence) is not accomplice liability for the crime itself.

AIDING AND ABETTING



Aiding and abetting is another term for accomplice liability. It means intentionally helping, encouraging, or facilitating the commission of another person's crime.

WITHDRAWAL / RENUNCIATION



An accomplice can avoid liability if he or she withdraws from the criminal plan and takes reasonable steps to:

- ✓ Terminate their participation, and
- ✓ Make a good faith effort to prevent the commission of the crime.

The burden is on the defendant to prove withdrawal.

REMEMBER!

ACCOMPLICE ≠ BYSTANDER

To be an accomplice, the person must:

- 1 Intend to promote or facilitate the commission of the crime, **AND**
- 2 Aid, encourage, solicit, command, conspire, or attempt to aid in its commission.

INTENT + ACTION = LIABILITY

QUICK EXAMPLES



ACCOMPLICE
John drives the getaway car while Sam robs the store. John shares in the criminal intent and aids the crime.



CONSPIRATOR
A group agrees to commit a burglary. One member scouts the location and reports back.



NOT AN ACCOMPLICE
A person watches from across the street and does nothing.

CRIMES CODE STRUCTURE



TITLE
(Title 18)
Crimes Code



PART
(Main Divisions)
I – General Provisions
II – Definitions



ARTICLE
(Subdivisions)
(Within each Part)



CHAPTER
(Group of Offenses)
(Within each Article)



SECTION
(Specific Offense or Provision)
(Within each Chapter)



HIGH-YIELD FACTS

- ✓ Liability can be imposed as a principal, accomplice, or conspirator.
- ✓ Accomplice liability requires intent to promote or facilitate the crime.
- ✓ Withdrawal must be timely and in good faith to be effective.
- ✓ Mere presence or knowledge is not enough for liability.



KEY TAKEAWAY

The Crimes Code ensures that everyone who intentionally contributes to the commission of a crime can be held accountable.



INTENT + ACTION + CONTRIBUTION = CRIMINAL LIABILITY

