

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 902 Session of 2019

INTRODUCED BY BAKER, SCAVELLO, MARTIN, MASTRIANO, MENSCH AND  
PITTMAN, OCTOBER 25, 2019

REFERRED TO JUDICIARY, OCTOBER 25, 2019

AN ACT

1 Amending the act of August 9, 1955 (P.L.323, No.130), entitled,  
2 as amended, "An act relating to counties of the first, second  
3 class A, third, fourth, fifth, sixth, seventh and eighth  
4 classes; amending, revising, consolidating and changing the  
5 laws relating thereto; relating to imposition of excise taxes  
6 by counties, including authorizing imposition of an excise  
7 tax on the rental of motor vehicles by counties of the first  
8 class; and providing for regional renaissance initiatives,"  
9 in district attorney, assistants and detectives, further  
10 providing for filling of vacancies.

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

13 Section 1. Section 1404(b) of the act of August 9, 1955  
14 (P.L.323, No.130), known as The County Code, amended October 24,  
15 2018 (P.L.931, No.154), is amended to read:

16 Section 1404. Filling of Vacancies.--\* \* \*

17 (b) If any vacancy shall occur in the office of district  
18 attorney in a county of the fourth through eighth class, the  
19 judges of the court of common pleas shall, upon a showing that  
20 the first assistant district attorney [shall become] satisfies  
21 the requirements of section 1401, appoint the first assistant  
22 district attorney to fill the office of district attorney and to

1 discharge the duties of the district attorney until the first  
2 Monday in January following the next municipal election  
3 occurring not less than ninety days after the occurrence of the  
4 vacancy. If the first assistant district attorney is unwilling  
5 or unable to serve or does not satisfy the requirements of  
6 section 1401, the judges of the court of common pleas shall fill  
7 the vacancy by the appointment of a competent person who  
8 satisfies the requirements of section 1401 to fill the office  
9 until the first Monday in January following the next municipal  
10 election occurring not less than ninety days after the  
11 occurrence of the vacancy.

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