
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2664 Session of
2020

INTRODUCED BY WHITE, TOMLINSON, GLEIM, BROOKS, M. K. KELLER,
BARRAR AND COOK, JULY 8, 2020

REFERRED TO COMMITTEE ON JUDICIARY, JULY 8, 2020

AN ACT

1 Amending the act of August 9, 1955 (P.L.323, No.130), entitled
2 "An act relating to counties of the first, second class A,
3 third, fourth, fifth, sixth, seventh and eighth classes;
4 amending, revising, consolidating and changing the laws
5 relating thereto; relating to imposition of excise taxes by
6 counties, including authorizing imposition of an excise tax
7 on the rental of motor vehicles by counties of the first
8 class; and providing for regional renaissance initiatives,"
9 in preliminary provisions, further providing for
10 applicability; in county officers, further providing for
11 enumeration of elected officers, providing for appointment of
12 district attorneys in counties of the first class; and, in
13 district attorney, assistants and detectives, further
14 providing for district attorney, qualifications, eligibility
15 and compensation and for filling of vacancies.

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

18 Section 1. Sections 102(a) and 401(a)(11) of the act of
19 August 9, 1955 (P.L.323, No.130), known as The County Code, are
20 amended to read:

21 Section 102. Applicability.--(a) Except incidentally, as in
22 sections 108, 201, 210, 211, 401 [and], 401.1, 1401 and
23 1404(a.1) or as provided in section 1770.12, Article XII-B and
24 Article XXX, this act does not apply to counties of the first or

1 second classes.

2 * * *

3 Section 401. Enumeration of Elected Officers.--(a) In each
4 county, there shall be the following officers elected by the
5 qualified electors of the county:

6 * * *

7 (11) One district attorney[.], except in counties of the
8 first class that have adopted a home rule charter which shall be
9 subject to section 401.1.

10 * * *

11 Section 2. The act is amended by adding a section to read:

12 Section 401.1. Appointment of District Attorneys in Counties
13 of the First Class.--In each county of the first class that has
14 adopted a home rule charter, there shall be one district
15 attorney, appointed by the Governor with the advice and consent
16 of the Senate, who must be a resident of the county of the first
17 class.

18 Section 3. Section 1401(a) of the act is amended to read:

19 Section 1401. District Attorney; Qualifications;
20 Eligibility; Compensation.--(a) The district attorney shall be
21 a resident of the county, at least twenty-five years of age, and
22 a citizen of the United States, shall have been admitted to
23 practice as an attorney before the Supreme Court of this
24 Commonwealth for at least one year prior to taking the oath of
25 office, in a county of the first class that has adopted a home
26 rule charter shall have five years of experience as a prosecutor
27 in this Commonwealth, and shall have resided in the county for
28 which the district attorney is elected or appointed for one year
29 next preceding election or appointment.

30 * * *

1 Section 4. Section 1404 of the act is amended by adding a
2 subsection to read:

3 Section 1404. Filling of Vacancies.--* * *

4 (a.1) If any vacancy shall occur in the office of district
5 attorney in a county of the first class that has adopted a home
6 rule charter, the first district attorney shall become district
7 attorney and discharge the duties of the district attorney until
8 the Governor with the advice and consent of the Senate appoints
9 a qualified individual as district attorney for the county.

10 * * *

11 Section 5. This act shall take effect in 60 days.