

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 573

Session of
1975

INTRODUCED BY COPPERSMITH, SNYDER, ANDREWS AND MURPHY,
APRIL 21, 1975

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
OCTOBER 15, 1975

AN ACT

1 Amending the act of July 28, 1953 (P.L.723, No.230), entitled,
2 as amended, "An act relating to counties of the second class
3 and second class A; amending, revising, consolidating and
4 changing the laws relating thereto," providing for annual
5 assessments for district attorneys' associations , PROVIDING <—
6 FOR A FULL TIME DISTRICT ATTORNEY IN CERTAIN INSTANCES,
7 SETTING HIS SALARY AND MAKING REPEALS.

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

10 Section 1. Section 437, act of July 28, 1953 (P.L.723,
11 No.230), known as the "Second Class County Code," is amended by
12 adding a subsection to read:

13 Section 437. Annual Assessments for County Commissioners,
14 Etc.--* * *

15 (a.1) In addition to the expenses hereinbefore authorized,
16 the necessary expenses of the association of district attorneys
17 shall be apportioned among the counties holding membership in
18 the association in amounts provided for by the rules and
19 regulations of the association but shall not total more than

1 four hundred dollars (\$400) for counties of the second class or
2 second class A.

3 * * *

4 ~~Section 2. This act shall take effect immediately.~~ <—

5 SECTION 2. THE HEADING OF SECTION 1401 OF THE ACT IS AMENDED <—
6 AND A SUBSECTION IS ADDED TO READ:

7 SECTION 1401. DISTRICT ATTORNEY; QUALIFICATIONS;
8 ELIGIBILITY; COMPENSATION.--* * *

9 (D) ANY COUNTY OF THE SECOND CLASS A MAY FIX THE SERVICES OF
10 THE DISTRICT ATTORNEY AT FULL TIME AT THE DISCRETION OF THE
11 COUNTY COMMISSIONERS. SUCH DETERMINATION SHALL BE MADE PRIOR TO
12 NOVEMBER 1, 1975. AFTER JANUARY 1, 1976, THE COMMISSIONERS
13 SHALL, AFTER CONSULTATION WITH THE DISTRICT ATTORNEY AND THE
14 PRESIDENT JUDGE OF THE COURT OF COMMON PLEAS OF THE JUDICIAL
15 DISTRICT, MAKE SUCH DETERMINATION PRIOR TO THE FIRST DAY FOR
16 CIRCULATING PETITIONS BY CANDIDATES FOR THE OFFICE OF DISTRICT
17 ATTORNEY. THE PRESIDENT JUDGE OF THE COURT OF COMMON PLEAS OF
18 THE JUDICIAL DISTRICT AND THE DISTRICT ATTORNEY MAY MAKE
19 RECOMMENDATIONS AT ANY TIME TO THE COUNTY COMMISSIONERS ON THE
20 ADVISABILITY OF FULL-TIME SERVICE BY THE DISTRICT ATTORNEY, BUT
21 THE SAME SHALL NOT BE BINDING ON THEM.

22 WHERE AN ELECTION IS MADE BY THE COUNTY COMMISSIONERS TO
23 REQUIRE A FULL TIME DISTRICT ATTORNEY HE SHALL BE COMPENSATED AT
24 ONE THOUSAND DOLLARS (\$1,000) LOWER THAN THE COMPENSATION PAID
25 TO A JUDGE OF THE COURT OF COMMON PLEAS IN THE RESPECTIVE
26 JUDICIAL DISTRICT.

27 ONCE THE DETERMINATION FOR A FULL TIME DISTRICT ATTORNEY IS
28 MADE, IT SHALL NOT THEREAFTER BE CHANGED EXCEPT BY REFERENDUM OF
29 THE ELECTORATE OF THE SAID COUNTY. SUCH REFERENDUM MAY BE
30 INSTITUTED BY THE COUNTY COMMISSIONERS OR ON PETITION BY FIVE

PER CENT OF THE ELECTORS VOTING FOR THE OFFICE OF GOVERNOR IN
THE LAST GUBERNATORIAL GENERAL ELECTION. SUCH REFERENDUM MAY BE
HELD AT ANY ELECTION PRECEDING THE YEAR IN WHICH THE DISTRICT
ATTORNEY SHALL BE ELECTED. SUCH DISTRICT ATTORNEY SHALL DEVOTE
FULL TIME TO THE OFFICE. THE DISTRICT ATTORNEY WHILE IN OFFICE,
SHALL NOT DERIVE ANY OTHER INCOME AS A RESULT OF THE NECESSARY
LEGAL EDUCATION AND BACKGROUND, FROM ANY SOURCE INCLUDING BUT
NOT LIMITED TO INCOME DERIVED FROM LEGAL PUBLICATIONS OR OTHER
PUBLICATIONS DEALING WITH MATTERS RELATED TO THE OFFICE OF
DISTRICT ATTORNEY, LECTURES, HONORARIUMS, PROFIT SHARES OR
DIVISIONS OF INCOME FROM ANY FIRM WITH WHICH THE DISTRICT
ATTORNEY WAS ASSOCIATED PRIOR TO ELECTION. THIS LIMITATION SHALL
NOT BE CONSTRUED, HOWEVER, TO PRECLUDE PAYMENT OF FEES EARNED
FOR LEGAL WORK DONE PRIOR TO, BUT NOT CONCLUDED UNTIL AFTER HIS
ELECTION AS DISTRICT ATTORNEY. IN ADDITION THE DISTRICT ATTORNEY
SHALL NOT ENGAGE IN ANY PRIVATE PRACTICE AND MUST BE COMPLETELY
DISASSOCIATED WITH ANY FIRM WITH WHICH THE DISTRICT ATTORNEY WAS
AFFILIATED PRIOR TO ELECTION, NOR SHALL THE DISTRICT ATTORNEY-
ELECT ACCEPT ANY CIVIL OR CRIMINAL CASES AFTER BEING ELECTED TO
THE OFFICE. FURTHERMORE, THE DISTRICT ATTORNEY SHALL BE SUBJECT
TO THE CANNONS OF ETHICS AS APPLIED TO JUDGES IN THE COURTS OF
COMMON PLEAS OF THIS COMMONWEALTH INSOFAR AS SUCH CANNONS APPLY
TO SALARIES, FULL-TIME DUTIES AND CONFLICTS OF INTEREST.

ANY COMPLAINT BY A CITIZEN OF THE COUNTY THAT A FULL TIME
DISTRICT ATTORNEY MAY BE IN VIOLATION OF THIS SECTION SHALL BE
MADE TO THE DISCIPLINARY BOARD OF THE SUPREME COURT OF
PENNSYLVANIA, FOR DETERMINATION AS TO THE MERIT OF THE
COMPLAINT. IF ANY SUBSTANTIVE BASIS IS FOUND, THE BOARD SHALL
PROCEED FORTHWITH IN THE MANNER PRESCRIBED BY THE RULES OF THE
SUPREME COURT AND MAKE SUCH RECOMMENDATION FOR DISCIPLINARY

1 ACTION AS IT DEEMS ADVISABLE, PROVIDED, HOWEVER, THAT IF THE
2 SUPREME COURT DEEMS THE VIOLATION SO GRAVE AS TO WARRANT REMOVAL
3 FROM OFFICE, THE PROTHONOTARY OF THE SAID COURT SHALL TRANSMIT
4 ITS FINDINGS TO THE SPEAKER OF THE HOUSE OF REPRESENTATIVES FOR
5 SUCH ACTION AS THE HOUSE DEEMS ADVISABLE UNDER ARTICLE VI OF THE
6 CONSTITUTION OF THE COMMONWEALTH OF PENNSYLVANIA.

7 WHERE NO SUCH ELECTION FOR A FULL TIME DISTRICT ATTORNEY IS
8 MADE, THE DISTRICT ATTORNEY SHALL BE PERMITTED TO HAVE AN
9 OUTSIDE PRACTICE, AND HIS SALARY SHALL BE AS SET FORTH IN THE
10 ACT OF NOVEMBER 1, 1971 (P.L.495, NO.113).

11 SECTION 3. (A) SECTION 5 OF THE ACT OF NOVEMBER 1, 1971
12 (P.L.495, NO.113), ENTITLED "AN ACT PROVIDING FOR THE
13 COMPENSATION OF COUNTY OFFICERS IN COUNTIES OF THE SECOND
14 THROUGH EIGHTH CLASSES, FOR THE DISPOSITION OF FEES, FOR FILING
15 OF BONDS IN CERTAIN CASES AND FOR DUTIES OF CERTAIN OFFICERS,"
16 IS REPEALED IN SO FAR AS INCONSISTENT WITH THE PROVISIONS OF
17 THIS ACT.

18 (B) ANY OTHER ACT OR PART OF AN ACT INCONSISTENT WITH THE
19 PROVISIONS OF THIS ACT ARE REPEALED TO THE EXTENT OF THE
20 INCONSISTENCY.

21 SECTION 4. THIS ACT SHALL TAKE EFFECT IMMEDIATELY AND APPLY
22 TO ALL DISTRICT ATTORNEYS WHOSE TERM OF OFFICE BEGINS JANUARY 1,
23 1976.