

COUNTY CODE - FILLING OF VACANCIES

Act of Mar. 23, 2021, P.L. 33, No. 7

Cl. 16

Session of 2021

No. 2021-7

SB 84

AN ACT

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

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

Section 1. Section 1404 of the act of August 9, 1955 (P.L.323, No.130), known as The County Code, amended September 28, 2020 (P.L.705, No.78), is amended to read:

Section 1404. Filling of Vacancies.--[(a) If any vacancy shall occur in the office of district attorney in a county of the second class A or third class, either by death, resignation, removal from office or from the county, or otherwise, the judges of the court of common pleas shall supply such vacancy by the appointment of a competent person to fill the office during the balance of the unexpired term.

(b)] If any vacancy shall occur in the office of district attorney in a county of the [fourth] **second class A** through eighth class, the judges of the court of common pleas shall, upon a showing that the first assistant district attorney satisfies the requirements of section 1401, appoint the first assistant district attorney to fill the office of district attorney and to discharge the duties of the district attorney until the first Monday in January following the next municipal election occurring not less than ninety days after the occurrence of the vacancy. If the first assistant district attorney is unwilling or unable to serve or does not satisfy the requirements of section 1401, the judges of the court of common pleas shall fill the vacancy by the appointment of a competent person who satisfies the requirements of section 1401 to fill the office until the first Monday in January following the next municipal election occurring not less than ninety days after the occurrence of the vacancy.

Section 2. The amendment of section 1404 of the act shall apply to vacancies occurring on or after the effective date of this section.

Section 3. This act shall take effect immediately.

APPROVED--The 23rd day of March, A.D. 2021.

TOM WOLF