

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILLNo. 572 Session of
1975

Report of the Committee of Conference

To the Members of the Senate and House of Representatives:

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering Senate Bill No. 572, entitled:

"An act amending the act of August 9, 1955 (P.L.323, No.130), entitled 'An act relating to counties of the third, fourth, fifth, sixth, seventh and eighth classes; amending, revising, consolidating and changing the laws relating thereto,' ~~providing for annual assessments for district attorneys' associations.~~

INCREASING CERTAIN ASSESSMENTS AND PROVIDING FOR A FULL TIME DISTRICT ATTORNEY IN CERTAIN INSTANCES IN THIRD, FOURTH, FIFTH, SIXTH, SEVENTH AND EIGHTH CLASS COUNTIES, SETTING HIS SALARY AND MAKING REPEALS."

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respectfully submit the following bill as our report:

W. LOUIS COPPERSMITH

H. CRAIG LEWIS

JOHN STAUFFER

(Committee on the part of the Senate.)

JOSEPH TED DOYLE

WILLIAM H. ECKENSBERGER, JR.

D. MICHAEL FISHER

(Committee on the part of the House of Representatives.)

AN ACT

Amending the act of August 9, 1955 (P.L.323, No.130), entitled "An act relating to counties of the third, fourth, fifth, sixth, seventh and eighth classes; amending, revising, consolidating and changing the laws relating thereto," providing for annual assessments for district attorneys' associations and providing for a full time district attorney in certain instances in third and fourth class counties, setting his salary and making repeals.

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

Section 1. Section 445, act of August 9, 1955 (P.L.323, No.130), known as "The County Code," is amended by adding a subsection to read:

Section 445. Annual Assessments for County Commissioners, Etc.--* * *

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

(1) Three hundred dollars (\$300) for any county of the third class;

(2) Two hundred fifty dollars (\$250) for any county of the fourth class;

(3) Two hundred dollars (\$200) for any county of the fifth class;

(4) One hundred fifty dollars (\$150) for any county of the sixth class;

(5) One hundred dollars (\$100) for any county of the seventh class; or

(6) Fifty dollars (\$50) for any county of the eighth class.

1 * * *

2 Section 2. The heading of section 1401 of the act is amended
3 and a subsection is added to read:

4 Section 1401. District Attorney; Qualifications;
5 Eligibility; Compensation.--* * *

6 (g) The commissioners of any county of the third or fourth
7 class may by ordinance fix the services of the district attorney
8 at full time. Such determination may be made at any time,
9 provided that the determination shall not be made between the
10 first day for the circulation of nominating petitions for the
11 office of district attorney and January of the subsequent year.
12 The president judge of the court of common pleas of the judicial
13 district and the district attorney may make recommendations at
14 any time to the county commissioners on the advisability of
15 full-time service by the district attorney, but the same shall
16 not be binding on them.

17 When the determination by the county commissioners to require
18 a full time district attorney becomes effective and operative,
19 he shall be compensated at one thousand dollars (\$1,000) lower
20 than the compensation paid to a judge of the court of common
21 pleas in the respective judicial district. It is the legislative
22 intent that all provisions of this subsection requiring full-
23 time service shall be unenforceable until such time as the
24 accompanying salary provisions take effect.

25 Once the determination for a full time district attorney is
26 made, it shall not thereafter be changed except by referendum of
27 the electorate of the said county. Such referendum may be
28 instituted by the county commissioners or on petition by five
29 per cent of the electors voting for the office of Governor in
30 the last gubernatorial general election. Such referendum may be

1 held at any election preceding the year in which the district
2 attorney shall be elected. Such district attorney shall devote
3 full time to the office. The district attorney while in office,
4 shall not derive any other income as a result of the necessary
5 legal education and background, from any source including but
6 not limited to income derived from legal publications or other
7 publications dealing with matters related to the office of
8 district attorney, lectures, honorariums, profit shares or
9 divisions of income from any firm with which the district
10 attorney was associated prior to election. This limitation shall
11 not be construed, however, to preclude payment of fees earned
12 for legal work done prior to, but not concluded until after his
13 election as district attorney. In addition the district attorney
14 shall not engage in any private practice and must be completely
15 disassociated with any firm with which the district attorney was
16 affiliated prior to election, nor shall the district attorney-
17 elect accept any civil or criminal cases after being elected to
18 the office. Furthermore, the district attorney shall be subject
19 to the canons of ethics as applied to judges in the courts of
20 common pleas of this Commonwealth in so far as such canons apply
21 to salaries, full-time duties and conflicts of interest.

22 Any complaint by a citizen of the county that a full time
23 district attorney may be in violation of this section shall be
24 made to the Disciplinary Board of the Supreme Court of
25 Pennsylvania, for determination as to the merit of the
26 complaint. If any substantive basis is found, the board shall
27 proceed forthwith in the manner prescribed by the rules of the
28 Supreme Court and make such recommendation for disciplinary
29 action as it deems advisable, provided, however, that if the
30 Supreme Court deems the violation so grave as to warrant removal

1 from office, the prothonotary of the said court shall transmit
2 its findings to the Speaker of the House of Representatives for
3 such action as the House deems advisable under Article VI of the
4 Constitution of the Commonwealth of Pennsylvania.

5 Where no such determination to require a full time district
6 attorney is made, the district attorney shall be permitted to
7 have an outside practice, and his salary shall be as set forth
8 in the act of November 1, 1971 (P.L.495, No.113).

9 Section 3. (a) Section 5 of the act of November 1, 1971
10 (P.L.495, No.113), entitled "An act providing for the
11 compensation of county officers in counties of the second
12 through eighth classes, for the disposition of fees, for filing
13 of bonds in certain cases and for duties of certain officers,"
14 is repealed in so far as inconsistent with the provisions of
15 this act.

16 (b) Any other act or part of an act inconsistent with the
17 provisions of this act are repealed to the extent of the
18 inconsistency.

19 Section 4. This act shall take effect immediately.