

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1906 Session of
2013

INTRODUCED BY GINGRICH, ROSS, FREEMAN AND M. DALEY,
DECEMBER 11, 2013

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, DECEMBER 11, 2013

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," further providing for
5 the filling of vacancies in the office of district attorney.

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

8 Section 1. Section 1404 of the act of July 28, 1953
9 (P.L.723, No.230), known as the Second Class County Code, is
10 amended to read:

11 Section 1404. Filling of Vacancies.--If any vacancy shall
12 occur in the office of district attorney in counties of the
13 second class or second class A, either by death, resignation,
14 removal from office or from the county, or otherwise, [the
15 judges of the court of common pleas shall supply such vacancy by
16 the appointment of a competent person to fill the office during
17 the balance of the unexpired term.] the first assistant district
18 attorney shall become district attorney and discharge the duties
19 of the district attorney until the first Monday in January

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

9 Section 2. The amendment of section 1404 of the act shall
10 apply to vacancies occurring after the effective date of this
11 section.

12 Section 3. This act shall take effect immediately.