

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 962 Session of 2021

INTRODUCED BY OWLETT AND PICKETT, MARCH 18, 2021

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 18, 2021

AN ACT

1 Amending the act of July 28, 1953 (P.L.723, No.230), entitled
 2 "An act relating to counties of the second class and second
 3 class A; amending, revising, consolidating and changing the
 4 laws relating thereto," in district attorney, assistants and
 5 detectives, further providing for filling of vacancies.

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.--(a) If any vacancy
 12 shall occur in the office of district attorney, either by death,
 13 resignation, removal from office or from the county, suspension
 14 of a Pennsylvania law license, disbarment 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, upon a showing that the first assistant district
 19 attorney satisfies the requirements of section 1401 of the act
 20 of August 9, 1955 (P.L.323, No.130), known as The County Code,

1 become district attorney and discharge the duties of the
2 district attorney until the first Monday in January following
3 the next municipal election occurring not less than ninety days
4 after the occurrence of the vacancy. If the first assistant
5 district attorney is unwilling or unable to serve or does not
6 satisfy the requirements of section 1401 of The County Code, the
7 judges of the court of common pleas shall fill the vacancy by
8 the appointment of a competent person who satisfies the
9 requirements of section 1401 of The County Code to fill the
10 office until the first Monday in January following the next
11 municipal election occurring not less than ninety days after the
12 occurrence of the vacancy.

13 (b) If a district attorney does not possess an active
14 Pennsylvania law license because of the suspension of the law
15 license or disbarment while in office, the suspended or
16 disbarred district attorney shall regain the office of district
17 attorney if the Pennsylvania law license has been reinstated and
18 becomes active and if all other qualifications are met and shall
19 serve the remainder of the term during which the district
20 attorney was suspended or disbarred.

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

24 Section 3. This act shall take effect immediately.