
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 964 Session of
2021

INTRODUCED BY PICKETT, OWLETT, R. BROWN, CAUSER, SCHLEGEL
CULVER, HILL-EVANS, JAMES, KAUFFMAN, MILLARD, NEILSON, RYAN,
WEBSTER AND WHEELAND, MARCH 18, 2021

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 18, 2021

AN ACT

1 Amending the act of August 9, 1955 (P.L.323, No.130), entitled
2 "An act relating to counties of the first, second class A,
3 third, fourth, fifth, sixth, seventh and eighth classes;
4 amending, revising, consolidating and changing the laws
5 relating thereto; relating to imposition of excise taxes by
6 counties, including authorizing imposition of an excise tax
7 on the rental of motor vehicles by counties of the first
8 class; and providing for regional renaissance initiatives,"
9 in preliminary provisions, further providing for
10 applicability; and, in district attorney, assistants and
11 detectives, further providing for district attorney,
12 qualifications, eligibility and compensation and for filling
13 of vacancies.

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

16 Section 1. Sections 102(a) and 1401(a) of the act of August
17 9, 1955 (P.L.323, No.130), known as The County Code, are amended
18 to read:

19 Section 102. Applicability.--(a) Except incidentally, as in
20 sections 108, 201, 210, 211, 401 [and], 1401 and 1404 or as
21 provided in section 1770.12, Article XII-B and Article XXX, this
22 act does not apply to counties of the first or second classes.

23 * * *

1 Section 1401. District Attorney; Qualifications;
2 Eligibility; Compensation.--(a) The district attorney shall be
3 a resident of the county, at least twenty-five years of age, and
4 a citizen of the United States, shall have been admitted to
5 practice as an attorney before the Supreme Court of this
6 Commonwealth for at least one year prior to taking the oath of
7 office, shall have an active Pennsylvania law license and shall
8 have resided in the county for which the district attorney is
9 elected or appointed for one year next preceding election or
10 appointment.

11 * * *

12 Section 2. Section 1404 of the act, amended September 28,
13 2020 (P.L.705, No.78), is amended to read:

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

21 (b) If any vacancy shall occur in the office of district
22 attorney in a county of the [fourth] second class A through
23 eighth class, the judges of the court of common pleas shall,
24 upon a showing that the first assistant district attorney
25 satisfies the requirements of section 1401, appoint the first
26 assistant district attorney to fill the office of district
27 attorney and to discharge the duties of the district attorney
28 until the first Monday in January following the next municipal
29 election occurring not less than ninety days after the
30 occurrence of the vacancy. If the first assistant district

1 attorney is unwilling or unable to serve or does not satisfy the
2 requirements of section 1401, the judges of the court of common
3 pleas shall fill the vacancy by the appointment of a competent
4 person who satisfies the requirements of section 1401 to fill
5 the office until the first Monday in January following the next
6 municipal election occurring not less than ninety days after the
7 occurrence of the vacancy.

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

16 Section 3. The amendment of section 1404 of the act shall
17 apply to vacancies occurring on or after the effective date of
18 this section.

19 Section 4. This act shall take effect immediately.