

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 84 Session of 2021

INTRODUCED BY MARTIN, BAKER, BROWNE, PHILLIPS-HILL, MENSCH, SCAVELLO, ARGALL, DiSANTO AND PITTMAN, JANUARY 22, 2021

REFERRED TO JUDICIARY, JANUARY 22, 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 district attorney, assistants and detectives, further
 10 providing for filling of vacancies.

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

13 Section 1. Section 1404 of the act of August 9, 1955
 14 (P.L.323, No.130), known as The County Code, amended September
 15 28, 2020 (P.L.705, No.78), is amended to read:

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

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

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

21 Section 3. This act shall take effect immediately.