

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 85 Session of 2021

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

SENATOR BAKER, JUDICIARY, AS AMENDED, JANUARY 25, 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.--If any vacancy shall
12 occur in the office of district attorney, either by death,
13 resignation, removal from office or from the county, or
14 otherwise, [the judges of the court of common pleas shall
15 supply such vacancy by the appointment of a competent person to
16 fill the office during the balance of the unexpired term.] the
17 first assistant district attorney shall become district attorney
18 and discharge the duties of the district attorney until the
19 first Monday in January following the next municipal election

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

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

11 Section 3. This act shall take effect immediately.