

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

**SENATE BILL**No. **420** Session of  
2021

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INTRODUCED BY YAW, MARTIN, BAKER, VOGEL, GORDNER, PITTMAN,  
YUDICHAK AND MENSCH, MARCH 12, 2021

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AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF  
REPRESENTATIVES, AS AMENDED, SEPTEMBER 28, 2021

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## 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 district attorney, qualifications, eligibility  
11 and compensation.

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

14 Section 1. Section 1401(a) of the act of August 9, 1955  
15 (P.L.323, No.130), known as The County Code, is amended and the  
16 section is amended by adding a subsection to read:

17 Section 1401. District Attorney; Qualifications;  
18 Eligibility; Compensation.--(a) The district attorney shall be  
19 a resident of the county, at least twenty-five years of age, and  
20 a citizen of the United States, shall have been admitted to  
21 practice as an attorney before the Supreme Court of this

1 Commonwealth for at least one year prior to taking the oath of  
2 office and shall continually hold an active law license during  
3 the period when the individual is in office and shall have  
4 resided in the county for which the district attorney is elected  
5 or appointed for one year next preceding election or  
6 appointment.

7 (b) The following shall apply:

8 (1) If a district attorney is disbarred, the office of  
9 district attorney shall be vacant and shall be filled as  
10 provided under section 1404 or, for a county of the second  
11 class, under section 1404 of the act of July 28, 1953 (P.L.723,  
12 No.230), known as the Second Class County Code- OR, FOR A COUNTY <--  
13 OF THE FIRST CLASS, UNDER SECTION 3 OF THE ACT OF MAY 3, 1850  
14 (P.L.654, NO.385), ENTITLED "AN ACT PROVIDING FOR THE ELECTION  
15 OF DISTRICT ATTORNEYS."

16 (2) ~~IF~~ NOTWITHSTANDING ANY LAW APPLICABLE TO ANY CLASS OR <--  
17 CLASSES OF COUNTY TO THE CONTRARY, IF a district attorney's law  
18 license is suspended, the office of district attorney shall not  
19 be vacant but the district attorney shall be suspended from the  
20 office until the law license of the district attorney is  
21 reinstated or the expiration of the term of the district  
22 attorney, whichever is sooner. The first assistant district  
23 attorney, if willing, qualified and able, shall act as the  
24 district attorney. If the first assistant district attorney is  
25 unwilling, unqualified or unable to serve, the judges of the  
26 court of common pleas shall appoint a competent person who  
27 satisfies the requirements of this section to act as district  
28 attorney.

29 \* \* \*

30 Section 2. This act shall take effect immediately.