

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 420 Session of 2021

INTRODUCED BY YAW, MARTIN, BAKER AND VOGEL, MARCH 12, 2021

REFERRED TO JUDICIARY, MARCH 12, 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 district attorney, qualifications, eligibility
 11 and compensation and for filling of vacancies.

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 to read:

16 Section 1401. District Attorney; Qualifications;
 17 Eligibility; Compensation.--(a) The district attorney shall be
 18 a resident of the county, at least twenty-five years of age, and
 19 a citizen of the United States, shall have been admitted to
 20 practice as an attorney before the Supreme Court of this
 21 Commonwealth for at least one year prior to taking the oath of
 22 office and shall continually hold an active law license during
 23 the period when the individual is in office and shall have

1 resided in the county for which the district attorney is elected
2 or appointed for one year next preceding election or
3 appointment.

4 * * *

5 Section 2. Section 1404 of the act, amended September 28,
6 2020 (P.L.705, No.78), is amended to read:

7 Section 1404. Filling of Vacancies.--(a) [If any vacancy
8 shall occur] Except as provided under subsection (a.1), if a
9 vacancy occurs in the office of district attorney in a county of
10 the second class A or third class, [either] by death,
11 resignation, removal from office or from the county, or
12 otherwise, the judges of the court of common pleas shall
13 [supply] fill such vacancy by the appointment of a competent
14 person to fill the office during the balance of the unexpired
15 term.

16 (a.1) If a vacancy occurs in the office of district attorney
17 in a county of the second class A or third class because of the
18 disbarment of the district attorney or the suspension of the
19 district attorney's law license, the judges of the court of
20 common pleas shall fill the vacancy by the appointment of a
21 competent person to fill the office until the district
22 attorney's law license is reinstated, or if the district
23 attorney's law license is not reinstated, during the balance of
24 the unexpired term.

25 (b) [If any vacancy shall occur] Except as provided under
26 subsection (b.1), if a vacancy occurs in the office of district
27 attorney in a county of the fourth through eighth class, the
28 judges of the court of common pleas shall, upon a showing that
29 the first assistant district attorney satisfies the requirements
30 of section 1401, appoint the first assistant district attorney

1 to fill the office of district attorney and to discharge the
2 duties of the district attorney until the first Monday in
3 January following the next municipal election occurring not less
4 than ninety days after the occurrence of the vacancy. If the
5 first assistant district attorney is unwilling or unable to
6 serve or does not satisfy the requirements of section 1401, 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 to fill the office until the first
10 Monday in January following the next municipal election
11 occurring not less than ninety days after the occurrence of the
12 vacancy.

13 (b.1) If a vacancy occurs in the office of district attorney
14 in a county of the fourth through eighth class because of the
15 disbarment of the district attorney or the suspension of the
16 district attorney's law license, the judges of the court of
17 common pleas shall, upon showing that the first assistant
18 district attorney satisfies the requirements of section 1401,
19 appoint the first assistant district attorney to fill the office
20 and to discharge the duties of the district attorney until the
21 district attorney's law license is reinstated or until the first
22 Monday in January following the next municipal election
23 occurring not less than ninety days after the occurrence of the
24 vacancy, whichever occurs first. If the first assistant district
25 attorney is unwilling or unable to serve or does not satisfy the
26 requirements of section 1401, the judges of the court of common
27 pleas shall fill the vacancy by the appointment of a competent
28 person who satisfies the requirements of section 1401 to fill
29 the office until the district attorney's law license is
30 reinstated or until the first Monday in January following the

1 next municipal election occurring not less than ninety days
2 after the occurrence of the vacancy, whichever is first.

3 Section 3. The amendment of sections 1401(a) and 1404 of the
4 act shall apply to individuals taking the oath of office for
5 district attorney on or after the effective date of this
6 section.

7 Section 4. This act shall take effect immediately.