
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1218 Session of
2013

INTRODUCED BY ERICKSON, ROBBINS, EICHELBERGER, WOZNIAK AND
BLAKE, DECEMBER 20, 2013

REFERRED TO LOCAL GOVERNMENT, DECEMBER 20, 2013

AN ACT

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

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 December
15 17, 2001 (P.L.919, No.107), 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 third through eighth class, either by death, resignation,
19 removal from office or from the county, or otherwise, [the
20 judges of the court of common pleas shall supply such vacancy by
21 the appointment of a competent person to fill the office during
22 the balance of the unexpired term.] the first assistant district

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

11 [(b) If any vacancy shall occur in the office of district
12 attorney in a county of the fourth through eighth class, the
13 first assistant district attorney shall become district attorney
14 and discharge the duties of the district attorney until the
15 first Monday in January following the next municipal election
16 occurring not less than ninety days after the occurrence of the
17 vacancy. If the first assistant district attorney is unwilling
18 or unable to serve, the judges of the court of common pleas
19 shall fill the vacancy by the appointment of a competent person
20 to fill the office until the first Monday in January following
21 the next municipal election occurring not less than ninety days
22 after the occurrence of the vacancy.]

23 Section 2. The amendment of section 1404 of the act shall
24 apply to vacancies occurring after the effective date of this
25 section.

26 Section 3. This act shall take effect immediately.