

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

AS AMENDED ON THIRD CONSIDERATION, FEBRUARY 3, 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 supply
15 such vacancy by the appointment of a competent person to fill
16 the office during the balance of the unexpired term.] the first
17 assistant district attorney shall, UPON A SHOWING THAT THE FIRST <--
18 ASSISTANT DISTRICT ATTORNEY SATISFIES THE REQUIREMENTS OF
19 SECTION 1401 OF THE ACT OF AUGUST 9, 1955 (P.L.323, NO.130),

1 KNOWN AS THE COUNTY CODE, become district attorney and discharge
2 the 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 OF <--
7 THE COUNTY CODE, the judges of the court of common pleas shall
8 fill the vacancy by the appointment of a competent person WHO <--
9 SATISFIES THE REQUIREMENTS OF SECTION 1401 OF THE COUNTY CODE to
10 fill the office until the first Monday in January following the
11 next municipal election occurring not less than ninety days
12 after the occurrence of the vacancy.

13 Section 2. The amendment of section 1404 of the act shall
14 apply to vacancies occurring on or after the effective date of
15 this section.

16 Section 3. This act shall take effect immediately.