

No. 1987-74

AN ACT

HB 457

Amending the act of November 1, 1971 (P.L.495, No.113), entitled "An act providing for the compensation of county officers in counties of the second through eighth classes, for the disposition of fees, for filing of bonds in certain cases and for duties of certain officers," providing for the office of district attorney in cities and counties of the first class; further providing for salaries of part-time district attorneys; and making a repeal.

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

Section 1. The title of the act of November 1, 1971 (P.L.495, No.113), entitled "An act providing for the compensation of county officers in counties of the second through eighth classes, for the disposition of fees, for filing of bonds in certain cases and for duties of certain officers," reenacted and amended October 7, 1976 (P.L.1101, No.223), is amended to read:

AN ACT

Providing for the compensation of county officers in counties of the second through eighth classes, *for compensation of district attorneys in cities and counties of the first class*, for the disposition of fees, for filing of bonds in certain cases and for duties of certain officers.

Section 2. Section 5 of the act, amended November 1, 1979 (P.L.246, No.82), is amended to read:

Section 5. [The annual salaries of part-time district attorneys shall be as follows:

	January 1, 1980	
(1) Counties of the second class.....	\$28,000	\$31,000
(2) Counties of the second class A.....	24,500	27,500
(3) Counties of the third class.....	22,000	25,000
(4) Counties of the fourth class.....	20,500	23,500
(5) Counties of the fifth class.....	17,500	20,500
(6) Counties of the sixth class.....	15,000	18,000
(7) Counties of the seventh class.....	13,500	16,500
(8) Counties of the eighth class.....	12,000	15,000]

*The annual salaries of part-time district attorneys shall be as follows: In counties of the third or fourth class, the salary shall be sixty per cent of the annual salary payable to the judge of the court of common pleas; in a county of the fifth or sixth class, the salary shall be fifty per cent of the annual salary payable to the judge of the court of common pleas; and in a county of the seventh or eighth class, the salary shall be forty per cent of the annual salary payable to the judge of the court of common pleas.*

Section 3. The act is amended by adding a section to read:

**Section 5.1. (a)** *The district attorney of a city and county of the first class shall be compensated at one thousand dollars (\$1,000) lower than the compensation paid to a judge of a court of common pleas.*

**(b)** *The district attorney shall devote full time to the office. The district attorney, while in office, shall not derive, as a result of the necessary legal education and background, any other income from any source, including, but not limited to, income derived from legal publications or other publications dealing with matters related to the office of district attorney, lectures, honorariums and profit shares or divisions of income from any firm with which the district attorney was associated prior to election. This limitation shall not be construed, however, to preclude payment of fees earned for legal work done prior to, but not concluded until after, election as district attorney. In addition, the district attorney shall not engage in any private practice and must be completely disassociated from any firm with which the district attorney was affiliated prior to election. The district attorney-elect may not accept any civil or criminal cases after being elected to the office. Furthermore, the district attorney shall be subject to the canons of ethics as applied to judges in the courts of common pleas of this Commonwealth insofar as the canons apply to salaries, full-time duties and conflicts of interest.*

**(c)** *Any complaint by a citizen of the county that a full-time district attorney may be in violation of this section shall be made to the Disciplinary Board of the Supreme Court of Pennsylvania, for determination as to the merit of the complaint. If any substantive basis is found, the board shall proceed in the manner prescribed by the rules of the Supreme Court and make such recommendation for disciplinary action as it deems advisable. If the Supreme Court deems the violation so grave as to warrant removal from office, the prothonotary of the Supreme Court shall transmit its findings to the Speaker of the House of Representatives for such action as the House of Representatives deems advisable under Article VI of the Constitution of Pennsylvania.*

Section 4. The act of August 9, 1955 (P.L.312, No.123), entitled "An act fixing the salary of the district attorney of Philadelphia," is repealed.

Section 5. Sections 2 (section 5) and 3 (section 5.1) shall apply when permitted by the Constitution of Pennsylvania.

Section 6. This act shall take effect immediately.

APPROVED—The 29th day of October, A. D. 1987.

ROBERT P. CASEY