

CONSTITUTION
of the
COMMONWEALTH OF PENNSYLVANIA
1968

ARTICLE IV
THE EXECUTIVE

Adoption. Unless otherwise noted, the provisions of Article IV were adopted December 16, 1873, 1874 P.L.3, effective January 1, 1874.

§ 1. Executive Department.

The Executive Department of this Commonwealth shall consist of a Governor, Lieutenant Governor, Attorney General, Auditor General, State Treasurer, and Superintendent of Public Instruction and such other officers as the General Assembly may from time to time prescribe.

(May 16, 1967, P.L.1044, J.R.4)

References in Text. The Superintendent of Public Instruction, referred to in section 1, is now the Secretary of Education.

§ 2. Duties of Governor; election procedure; tie or contest.

The supreme executive power shall be vested in the Governor, who shall take care that the laws be faithfully executed;

...

§ 4.1. Attorney General.

An Attorney General shall be chosen by the qualified electors of the Commonwealth on the day the general election is held for the Auditor General and State Treasurer; he shall hold his office during four years from the third Tuesday of January next ensuing his election and shall not be eligible to serve continuously for more than two successive terms; he shall be the chief law officer of the Commonwealth and shall exercise such powers and perform such duties as may be imposed by law.

(May 16, 1978, 1977 P.L.365, J.R.4)

1978 Amendment. Joint Resolution No.4 added section 4.1.

Vacancy in Existing Office. Section 2 of Joint Resolution No.4 provided that upon approval of this amendment by the electors, there shall be a vacancy in the office of Attorney General which shall be filled as provided herein.

COMMONWEALTH ATTORNEYS ACT
Act of Oct. 15, 1980, P.L. 950, No. 164 Cl. 71

CHAPTER 2
OFFICE OF ATTORNEY GENERAL

Section 206. Law enforcement and criminal investigations; investigating grand juries. (a) Law enforcement; criminal investigations.--The Attorney General shall be the chief law enforcement officer of the Commonwealth; the district attorney shall be the chief law enforcement officer for the county in which he is elected.

Source: <https://www.legis.state.pa.us/WU01/LI/LI/US/PDF/1980/0/0164..PDF>

When was the County District Attorney in Pennsylvania made the "Chief Law Enforcement Officer" of the county?

STACY PARKS MILLER DISTRICT ATTORNEY v. COUNTY OF CENTRE SEAN MCGRAW ANDREW SHUBIN ATTORNEY AT LAW THE LAW OFFICE OF ANDREW SHUBIN BERNARD CANTORNA ESQUIRE BRYANT CANTORNA AND JOHN DOES

<https://caselaw.findlaw.com/pa-supreme-court/1880774.html>

...

“First, an interpretation that district attorneys and their offices are “judicial agencies,” thereby limiting disclosure under the RTKL to financial records, would result in an absurd and unreasonable result plainly not intended by the General Assembly. Under Article IV of the Pennsylvania Constitution (“The Executive”), the Governor, as the head of the executive branch of government, is tasked with the duty to “take care that the laws be faithfully executed,” and the Attorney General is the “chief law officer of the Commonwealth.” Pa. Const. art. IV, §§ 2, 4.1. Within this constitutional structure, this Court has stressed that district attorneys' basic function, like the Attorney General's, is the enforcement of the Commonwealth's penal laws:

Prior to 1850, investigation and prosecution of criminal offenses in Pennsylvania were exclusively the duty of the Attorney General of the Commonwealth, although in practice he delegated this duty by appointing deputy attorneys general for the several counties. See *Commonwealth ex rel. Specter v. Freed*, [228 A.2d 382, 383-84 (Pa. 1967)]. In 1850 the General Assembly enacted legislation which provided for the election of these deputy attorneys general. The successor to that statute presently provides, in relevant part, that ‘(t)he district attorney shall . conduct in court all criminal and other prosecutions, in the name of the Commonwealth . and perform all the duties which, prior to May 3, 1850, were performed by deputy attorneys general.’ Act of July 5, 1957, P.L. 484, s 1, 16 P.S. s 1402(a)[4] (Supp. 1969). If this statute means anything at all, it means that district attorneys in this Commonwealth have the power-and the duty-to represent the Commonwealth's interests in the enforcement of its criminal laws

Com. ex rel. Specter v. Bauer, 261 A.2d 573, 575 (Pa. 1970) (footnote added); see also *Chalfin v. Specter*, 233 A.2d 562, 565 (Pa. 1967) (stating that prosecutorial “powers, functions, [and] duties” involve prosecution of crimes committed).

In addition to section 1402(a) of the County Code specifically referenced by this Court in *Bauer*, the General Assembly has subsequently enacted the Commonwealth Attorneys Act, 71 P.S. §§ 732-101-732-506. Section 206(a) provides, in relevant part, that the “Attorney General shall be the chief law enforcement officer of the Commonwealth; the district attorney shall be the chief law enforcement officer for the county in which he is elected.” 71 P.S. § 732-206(a); see also *Pennsylvania Gamefowl Breeders Ass'n v. Com.*, 551 A.2d 361, 363 (Pa. Commw. 1988) (“District attorneys are charged with conducting criminal prosecutions in the name of the Commonwealth, but only in the county in which the district attorney is elected.”) (emphasis omitted). Moreover, Article IX, Section 4 of the Constitution identifies district attorneys as “county officials.” Pa. Const. art. IX, § 4. As such, both as a matter of constitutional and statutory law, the Attorney General and district attorneys serve the same governmental function (law enforcement) as geographical counterparts: the Attorney General is the chief law enforcement officer at the state level while district attorneys are the chief law enforcement officers at the local (county) level.” ...

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