

FIRST REGULAR SESSION

[PERFECTED]

HOUSE BILL NO. 688

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES BYRD (Sponsor), BURNETT, PRATT, STEVENSON,
JOHNSON (61), YATES, JOHNSON (90), GOODMAN, WITTE, VOGT, BRINGER,
FLOOK AND LIPKE (Co-sponsors).

Read 1st time March 2, 2005 and copies ordered printed.

Read 2nd time March 3, 2005 and referred to the Committee on Judiciary March 3, 2005.

Reported from the Committee on Judiciary March 8, 2005 with recommendation that the bill Do Pass by Consent. Referred to the Committee on Rules pursuant to Rule 25(26)(f).

Reported from the Committee on Rules March 15, 2005 with recommendation that the bill Do Pass by Consent with no time limit for debate.

Perfectured by Consent March 30, 2005.

STEPHEN S. DAVIS, Chief Clerk

1946L.01P

AN ACT

To repeal section 510.120, RSMo, and to enact in lieu thereof one new section relating to judicial procedures.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 510.120, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 510.120, to read as follows:

510.120. **1. During the period beginning December fifteenth of each year and ending June fifteenth of the following year there shall be a stay of all administrative and court proceedings in which any member of the general assembly is an attorney for any party, a necessary witness, or a party to a civil action. Such stay shall not be discretionary with any trial court and shall be invoked by the filing of a notice by a member of the general assembly filing with the clerk of the court stating that he or she is a member of the general assembly. Such stay shall apply to all trials, motions, hearings, discovery responses, depositions, responses to motions, docket calls, and any other proceedings**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

9 before any court in this state, including municipal courts and probate courts and all
10 administrative bodies. Such stay shall also apply to any order requiring any member of
11 the general assembly to serve as a juror during the aforesaid time period. Such stay shall
12 not relieve any party of any obligations under either a statute of limitations or the
13 performance of an obligation based upon a final judgment. Such stay shall not apply to
14 any circuit court proceeding in which a member of the general assembly is the criminal
15 defendant.

16 2. In all civil cases or administrative proceedings or in criminal cases pending in this
17 state at any time when the general assembly is in [regular session,] veto session, special session,
18 or holding out-of-session committee hearings, it shall be a sufficient cause for [a] **such**
19 continuance if it shall appear to the court, by [affidavit] **written notice**, that any party applying
20 for such continuance, or any attorney, solicitor or counsel of such party is a member of either
21 house of the general assembly, and in actual attendance on the out-of-session committee
22 hearings, [regular session,] special session, or veto session of the same, and that the attendance
23 of such party, attorney, solicitor or counsel is necessary to a fair and proper trial or other
24 proceeding in such suit; and on the filing of such [affidavit] **notice** the court shall continue such
25 suit and any and all motions or other proceedings therein, of every kind and nature, including the
26 taking of depositions and discovery responses, and thereupon no trial or other proceedings of any
27 kind or nature shall be had therein until the adjournment or recess for [twenty] **three** days or
28 more of the [regular session,] special session[,] or veto session of the general assembly, nor for
29 [ten days] **one day** before or after or the day of any out-of-session committee hearings. Such
30 [affidavit] **notice** shall be sufficient, if made [at any time during] **within twenty days** of the
31 out-of-session committee hearings, [regular session,] special session, or veto session of the
32 general assembly, showing that at the time of making the same such party, attorney, solicitor or
33 counsel is **scheduled to be** in actual attendance upon such out-of-session committee hearings,
34 [regular session,] special session, or veto session of the general assembly.