

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 688
93RD GENERAL ASSEMBLY

Reported from the Committee on the Judiciary and Civil and Criminal Jurisprudence, April 12, 2005, with recommendation that the Senate Committee Substitute do pass and be placed on the Consent Calendar.

1946S.03C

TERRY L. SPIELER, Secretary.

AN ACT

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

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Section A. Section 510.120, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 510.120, to read as follows: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 January 1 and ending June 1 of each year, or whenever the general assembly is in session, there shall be an automatic stay of all administrative and court proceedings in which any member of the general assembly has filed a written notice with the court or administrative hearing officer and with all parties to the proceeding that the member is:**

7 **(1) A necessary witness;**

8 **(2) A party to the action; or**

9 **(3) The initial attorney for any party or has filed an entry of appearance as an attorney for any party more than forty-five days prior to the filing of the written notice under this subsection.**

12 **2. The stay created by this section shall apply to all trials, motions, hearings, discovery responses, depositions, responses to motions, docket calls, and any other proceedings before any trial court or administrative tribunal, including municipal courts. The stay shall also apply to any order requiring the member to serve as a juror whenever the general assembly is in session.**

17 **3. The stay created by this section shall not apply:**

18 **(1) If the member waives the protections of this stay in the form of a**

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

19 **written memorandum filed with the trial court or administrative tribunal;**

20 **(2) To any proceedings under chapter 288, RSMo;**

21 **(3) To any proceedings involving a request for injunctive relief; or**

22 **(4) To any proceeding in which the member is charged with a felony or**
23 **a class A misdemeanor.**

24 **4. The court of appeals shall have original jurisdiction over any**
25 **application for termination or modification of the stay.**

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

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