

FIRST REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 688

93RD GENERAL ASSEMBLY

1946S.03T

2005

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Section A. Section 510.120, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 510.120, to read as follows: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

(1) A necessary witness;

(2) A party to the action; or

(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.

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.

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

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.

17 **(1) If the member waives the protections of this stay in the form of a written**
18 **memorandum filed with the trial court or administrative tribunal;**

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

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

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

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

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