

HB 688 -- JUDICIAL PROCEDURES

SPONSOR: Byrd

COMMITTEE ACTION: Voted "do pass by consent" by the Committee on Judiciary by a vote of 12 to 0.

This bill changes the laws regarding the continuance of a judicial proceeding when an attorney is a member of the General Assembly. Beginning December 15 of each year through June 15 of the following year, there will be a stay of all administrative and court proceedings in which the member is an attorney for any party, a necessary witness, or a party to a civil suit. A stay order is automatically invoked when a notice has been filed with the court clerk. The order will also apply to a member having to serve as a juror; however, it will not apply in any circuit court proceeding in which a member is a criminal defendant.

A member is allowed to file a written notice instead of an affidavit to the court when seeking a continuance during a veto session, special session, or when holding out-of-session committee hearings.

FISCAL NOTE: No impact on General Revenue Fund in FY 2006, FY 2007, and FY 2008. Estimated Cost on Other State Funds of Unknown in FY 2006, FY 2007, and FY 2008.

PROPOSERS: Supporters say that the bill limits the discretion courts have to issue a stay in a proceeding during a legislative session when the lawyer is also a legislator. It would also prevent a legislator from being summoned for jury duty during a legislative session.

Testifying for the bill was Representative Byrd.

OPPOSERS: There was no opposition voiced to the committee.

Amy Woods, Senior Legislative Analyst