

SENATE BILL NO. 1198

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR MOSLEY.

3173S.01H

ADRIANE D. CROUSE, Secretary

AN ACT

To repeal section 510.120, RSMo, and to enact in lieu thereof one new section relating to automatic stays of proceedings for members of the general assembly.

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Section A. Section 510.120, RSMo, is repealed and one new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

510.120. 1. During the period beginning January first
2 and ending June first of each year, or whenever the general
3 assembly is in session, there shall be an automatic stay of
4 all administrative and court proceedings in which any member
5 of the general assembly has filed a written notice with the
6 court or administrative hearing officer and with all parties
7 to the proceeding that the member is:

- 8 (1) **[A necessary] Subpoenaed as a witness;**
- 9 (2) A party to the action; or
- 10 (3) The initial attorney for any party or has filed an
11 entry of appearance as an attorney for any party more than
12 forty-five days prior to the filing of the written notice
13 under this subsection.

14 2. The stay created by this section shall apply to all
15 trials, motions, hearings, discovery responses, depositions,
16 responses to motions, docket calls, and any other
17 proceedings before any trial court or administrative
18 tribunal, including municipal courts. The stay shall also

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

19 apply to any order requiring the member to serve as a juror
20 whenever the general assembly is in session.

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

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

25 (2) To any proceedings under chapter 288;

26 (3) To any proceedings involving a request for
27 injunctive relief; [or]

28 (4) **To any proceeding in which a member has been**
29 **subpoenaed as a witness but, for good cause shown by any**
30 **party to the proceeding, the trial court or administrative**
31 **tribunal quashes the subpoena;**

32 (5) **To any proceeding in which a member has been**
33 **ordered to serve as a juror but the order requiring the**
34 **member to serve as a juror is set aside; or**

35 (6) To any proceeding in which the member is charged
36 with a felony or a class A misdemeanor.

37 4. The court of appeals shall have original
38 jurisdiction over any application for termination or
39 modification of the stay.

40 5. In all civil cases or administrative proceedings or
41 in criminal cases pending in this state at any time when the
42 general assembly is in veto session, special session, or
43 holding out-of-session committee hearings, it shall be a
44 sufficient cause for such continuance if [it shall appear to
45 the court], by written notice, [that] **any individual**
46 **subpoenaed as a witness, any individual ordered to serve as**
47 **a juror**, any party applying for such continuance, or any
48 attorney, solicitor or counsel of such party is a member of
49 either house of the general assembly, and in **or scheduled to**
50 **be in** actual attendance on the out-of-session committee

51 hearings, special session, or veto session of the same[, and
52 that the attendance of such party, attorney, solicitor or
53 counsel is necessary to a fair and proper trial or other
54 proceeding in such suit]; and on the filing of such notice
55 the court shall continue such suit and any and all motions
56 or other proceedings therein, of every kind and nature,
57 including the taking of depositions and discovery responses,
58 and thereupon no trial or other proceedings of any kind or
59 nature shall be had therein until the adjournment or recess
60 for three days or more of the special session or veto
61 session of the general assembly, nor for one day before or
62 after or the day of any out-of-session committee hearings,
63 **provided however, in the case of a member subpoenaed as a**
64 **witness or ordered to serve as a juror, for good cause shown**
65 **by any party, the trial court or administrative tribunal may**
66 **quash the subpoena or set aside the order to serve as a**
67 **juror and no continuance shall be required.** Such notice
68 shall be sufficient, if made within two days of the out-of-
69 session committee hearings, special session, or veto session
70 of the general assembly, showing that at the time of making
71 the same such **witness, juror,** party, attorney, solicitor or
72 counsel is scheduled to be in actual attendance upon such
73 out-of-session committee hearings, special session, or veto
74 session of the general assembly.

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