

SENATE BILL NO. 269

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR MOSLEY.

0537S.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Section A. Section 510.120, RSMo, is repealed and one new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 the member is charged
29 with a felony or a class A misdemeanor.

30 4. The court of appeals shall have original
31 jurisdiction over any application for termination or
32 modification of the stay.

33 5. In all civil cases or administrative proceedings or
34 in criminal cases pending in this state at any time when the
35 general assembly is in veto session, special session, or
36 holding out-of-session committee hearings, it shall be a
37 sufficient cause for such continuance if it shall appear to
38 the court, by written notice, that any party applying for
39 such continuance, or any attorney, solicitor or counsel of
40 such party is a member of either house of the general
41 assembly, and in actual attendance on the out-of-session
42 committee hearings, special session, or veto session of the
43 same, and that the attendance of such party, attorney,
44 solicitor or counsel is necessary to a fair and proper trial
45 or other proceeding in such suit; and on the filing of such
46 notice the court shall continue such suit and any and all
47 motions or other proceedings therein, of every kind and
48 nature, including the taking of depositions and discovery
49 responses, and thereupon no trial or other proceedings of
50 any kind or nature shall be had therein until the

51 adjournment or recess for three days or more of the special
52 session or veto session of the general assembly, nor for one
53 day before or after or the day of any out-of-session
54 committee hearings. Such notice shall be sufficient, if
55 made within two days of the out-of-session committee
56 hearings, special session, or veto session of the general
57 assembly, showing that at the time of making the same such
58 party, attorney, solicitor or counsel is scheduled to be in
59 actual attendance upon such out-of-session committee
60 hearings, special session, or veto session of the general
61 assembly.

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