

FIRST REGULAR SESSION

# HOUSE BILL NO. 688

## 93RD GENERAL ASSEMBLY

---

INTRODUCED BY REPRESENTATIVES BYRD (Sponsor), BURNETT, PRATT, STEVENSON,  
JOHNSON (61), YATES, JOHNSON (90), GOODMAN, WITTE, VOGT, BRINGER,  
FLOOK AND LIPKE (Co-sponsors).

Read 1<sup>st</sup> time March 2, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

1946L.011

---

### AN ACT

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

---

*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Section A. Section 510.120, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 510.120, to read as follows: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 December fifteenth of each year and ending June fifteenth of the following year there shall be a stay of all administrative and court proceedings in which any member of the general assembly is an attorney for any party, a necessary witness, or a party to a civil action. Such stay shall not be discretionary with any trial court and shall be invoked by the filing of a notice by a member of the general assembly filing with the clerk of the court stating that he or she is a member of the general assembly. Such stay shall apply to all trials, motions, hearings, discovery responses, depositions, responses to motions, docket calls, and any other proceedings before any court in this state, including municipal courts and probate courts and all administrative bodies. Such stay shall also apply to any order requiring any member of the general assembly to serve as a juror during the aforesaid time period. Such stay shall not relieve any party of any obligations under either a statute of limitations or the performance of an obligation based upon a final judgment. Such stay shall not apply to any circuit court proceeding in which a member of the general assembly is the criminal**

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.

15 **defendant.**

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