

HB 1171 -- CIVIL PROCEDURE

SPONSOR: Trent

Currently, every civil case is tried upon the return date of the summons, when the summons has been duly and timely served, or on a date to which the case has been continued. This bill repeals that provision and replaces it with a provision specifying that every civil case shall be tried on a date set by the court after the defendant has been duly served and has appeared. Additionally, all parties shall receive notice of the setting from the court either through the court's notification process or notice mailed to a pro se party.

Currently, applications for change of venue and change of judge shall be filed not later than five days before the return date of the summons. This bill changes the time frame to not later than 15 days prior to a trial setting before the particular judge. The same time frame applies when a trial judge changes after the initial trial setting and change of venue or change of judge is being requested for the subsequent trial date.

The bill specifies that a case may be continued for a period exceeding 30 days by written agreement of all parties and approval by the judge. Regardless of the reason for a continuance, any matter that is continued shall be continued to a specific date.

The bill also specifies certain provisions relating to records of an act, event, condition, opinion, or diagnosis not excluded by the rule against hearsay in cases proceeding under Chapter 517, RSMo. Records of regularly conducted activity shall be admissible in cases under Chapter 517, subject to objections, upon affidavit of the custodian or another qualified person that complies with the statute or rule prescribed by the Missouri Supreme Court, and the bill specifies provisions relating to the affidavit permitted by the section.

This bill is the same as HB 1863 (2018).