

FIRST REGULAR SESSION

HOUSE BILL NO. 189

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE CLEMENS.

1362H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 1, RSMo, by adding thereto one new section relating to protecting the right of trial by jury.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 1, RSMo, is amended by adding thereto one new section, to be known as section 1.550, to read as follows:

1.550. 1. This section shall be known and may be cited as the "Seventh Amendment Preservation Act".

2. The general assembly finds and declares that the Seventh Amendment of the Constitution of the United States is the core to the foundation of this nation and that the ability to seek redress for wrongdoing is necessary in a civil society.

3. To preserve the constitutional rights of Missouri citizens and residents so that they may receive their day in court, the following protections shall apply:

(1) The provisions of the Constitution of the United States and the Constitution of Missouri occupy and preempt legislation involving civil litigation and laws, rules, orders, or other actions that restrict a resident's day in court as it existed in 1822 and expanded by the Thirteenth Amendment, Fourteenth Amendment, and Fifteenth Amendment of the Constitution of the United States on a civil matter exceeding the powers granted to state government, except to the extent that the laws, rules, orders, or other actions are necessary and proper for governing courts and procedures therein;

(2) All federal and state acts, laws, executive orders, administrative orders, rules, and regulations, whether past, present, or future, that infringe on a citizen's or resident's right to his or her day in court as guaranteed by the Seventh Amendment to

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.

18 **the Constitution of the United States, and expanded by the Thirteenth Amendment,**
19 **Fourteenth Amendment, and Fifteenth Amendment of the Constitution of the United**
20 **States and by Article I, Section 22(a) of the Constitution of Missouri, shall be invalid in**
21 **this state;**

22 **(3) It shall be the duty of government to protect the rights of Missouri citizens**
23 **and residents so that citizens and residents may receive a trial by jury in all civil matters**
24 **in accordance with the Seventh Amendment of the Constitution of the United States and**
25 **Article I, Section 22(a) of the Constitution of Missouri;**

26 **(4) Any entity or person who knowingly acts under the color of any federal or**
27 **state law to deprive a Missouri citizen or resident of the rights or privileges ensured by**
28 **the federal and state constitutions to a civil trial shall be liable to the injured party for**
29 **the deprivation of their rights. Reasonable attorney's fees and costs may be awarded to**
30 **the prevailing party with specified exceptions;**

31 **(5) Notwithstanding any other provision of law, there shall be no legislative**
32 **restrictions to settlement amounts, jury awards for damages of any kind, access to**
33 **courts, joinder, jurisdiction, or venue. Any such provision under Missouri law that**
34 **currently exists shall be null and void.**

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