

HCS HB 839 -- INJUNCTIONS

SPONSOR: Schulte

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Judiciary by a vote of 7 to 3. Voted "Do Pass" by the Standing Committee on Rules-Administrative by a vote of 5 to 1 with 1 voting present.

The following is a summary of the House Committee Substitute for HB 839.

This bill allows the Missouri Attorney General to appeal a preliminary injunction in which the state is preliminarily enjoined from implementing, enforcing, or otherwise effectuating any provision of the Missouri Constitution or of any Missouri statute or regulation. The bill allows the Attorney General to appeal any preliminary injunction that existed prior to August 28, 2025, within 15 days of that date.

The provisions of this bill are subject to an emergency clause.

The following is a summary of the public testimony from the committee hearing. The testimony was based on the introduced version of the bill.

PROPONENTS: Supporters say that the bill allows the Attorney General to appeal a preliminary injunction where the state is enjoined from enforcing or implementing any provision of the constitution. This was not the product of any particular case or any particular decision or judge. Missouri has a general principle of law where you're only allowed to appeal a decision that's final, but preliminary injunctions are by definition preliminary decisions, not final, so they cannot currently be appealed. A lot of the cases against the state are filed by people seeking a preliminary injunction to halt a statute or regulation or something of that nature, and then it can take a few years until there is a final decision on that litigation. So the laws passed by the legislature are put on hold during the entire pendency of the litigation. This is an attempt to get a final decision on the main issue on the front end. The goal is to be able to get clarity on the law before they have to go to trial on the merits.

Testifying in person for the bill were Representative Schulte and James S. Atkins, MO Attorney Generals Office.

OPPONENTS: Those who oppose the bill say that if the state is going to do this, it needs to be equal and fair; the protection

should go both ways. There should be some sort of guideline for how long the Attorney General has to appeal the decision because if he or she has an unlimited amount of time, the Attorney General is just going to sit and do nothing on the underlying case.

Testifying in person against the bill were Jon Beetem and Arnie C.Dienoff.

Written testimony has been submitted for this bill. The full written testimony and witnesses testifying online can be found under Testimony on the bill page on the House website.