

FIRST REGULAR SESSION

# SENATE BILL NO. 12

97TH GENERAL ASSEMBLY

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INTRODUCED BY SENATOR SCHAEFER.

Pre-filed December 1, 2012, and ordered printed.

TERRY L. SPIELER, Secretary.

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## AN ACT

To amend chapter 537, RSMo, by adding thereto one new section relating to civil liability immunity for court appointed attorneys, with an emergency clause.

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

Section A. Chapter 537, RSMo, is amended by adding thereto one new  
2 section, to be known as section 537.865, to read as follows:

**537.865. An attorney appointed by the court to serve as counsel  
2 for an indigent party shall be immune from civil liability, including  
3 causes of action for malpractice, for discretionary acts or omissions  
4 committed during the course of the representation so long as the  
5 actions or omissions are taken in good faith and are not performed  
6 with reckless disregard. Immunity from civil liability shall not apply  
7 to conduct that is willfully wrong or performed with malice or  
8 corruption.**

Section B. Because of the growing need for court appointed attorneys to  
2 represent indigent parties pro bono publico, section A of this act is deemed  
3 necessary for the immediate preservation of the public health, welfare, peace and  
4 safety, and is hereby declared to be an emergency act within the meaning of the  
5 constitution, and section A of this act shall be in full force and effect upon its  
6 passage and approval.

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