

FIRST REGULAR SESSION

# SENATE BILL NO. 81

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHAEFER.

Pre-filed December 14, 2012, and ordered printed.

TERRY L. SPIELER, Secretary.

0318S.02I

## AN ACT

To amend chapter 537, RSMo, by adding thereto one new section relating to the recovery of attorney's fees in civil actions for the deprivation of rights.

*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 section, to be known as section 537.570, to read as follows:

**537.570. 1. In any civil action against a state, city, or county official or employee for the violation of rights or privileges secured by the constitution and laws of the state of Missouri, while acting under color of any statute, ordinance, regulation, custom, or usage of the state of Missouri, the court may award the aggrieved party who prevails in the action, other than the state of Missouri or any political subdivision of the state, reasonable attorney's fees and costs.**

**2. In any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, such officer shall not be held liable for any costs, including attorney's fees, unless such action was clearly in excess of such officer's jurisdiction.**

**3. The party seeking an award of attorney's fees and other expenses shall, within thirty days of the final judgment, submit to the court which rendered the final judgement an application of fees and other expenses which shows:**

**(1) That the party is the prevailing party;**

**(2) That the party is eligible under this section to receive an award; and**

**(3) The amount sought, including an itemized statement from the attorney or expert witness representing or appearing on behalf of the party stating the actual time expended and the rate at which fees and**

22 other expenses were computed.

23 4. The court may reduce the amount to be awarded or deny any  
24 award only when the court finds that the prevailing party during the  
25 course of the proceedings engaged in conduct which unduly and  
26 unreasonably prolonged the final resolution of the matter in  
27 controversy.

28 5. This section does not preclude a party from recovering costs,  
29 disbursements, fees, and expenses under other applicable law.

30 6. Nothing in this section waives the defense of judicial, quasi-  
31 judicial, legislative, official, or sovereign immunity.

Unofficial

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Bill

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