

FIRST REGULAR SESSION

[P E R F E C T E D]

SENATE BILL NO. 12

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHAEFER.

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

Read 2nd time January 10, 2013, and referred to the Committee on the Judiciary and Civil and Criminal Jurisprudence.

Reported from the Committee February 6, 2013, with recommendation that the bill do pass.

Taken up for Perfection February 12, 2013. Bill declared Perfected and Ordered Printed, as amended.

TERRY L. SPIELER, Secretary.

0184S.02P

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.

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 defendant in a criminal case without compensation
3 shall be immune from civil liability, including causes of action for
4 malpractice, for discretionary acts or omissions committed during the
5 course of the representation so long as the actions or omissions are
6 taken in good faith and are not performed with reckless
7 disregard. Immunity from civil liability shall not apply to conduct that
8 is willfully wrong or performed with malice or 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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