

FIRST REGULAR SESSION

SENATE BILL NO. 246

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR HEGEMAN.

Read 1st time January 14, 2015, and ordered printed.

ADRIANE D. CROUSE, Secretary.

1153S.01I

AN ACT

To amend chapter 477, RSMo, by adding thereto one new section relating to judge disqualification.

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

Section A. Chapter 477, RSMo, is amended by adding thereto one new
2 section, to be known as section 477.655, to read as follows:

**477.655. 1. Any supreme, appellate, or circuit court judge who is
2 appointed shall be disqualified from hearing a judicial proceeding or
3 rendering a judgment when a party or party's attorney to the
4 proceeding before the judge was a member of the appellate judicial
5 commission or a circuit judicial commission who nominated the judge.
6 In the event that a party or party's attorney was a member of the
7 commission who nominated the judge hearing the judicial proceeding,
8 then the party or party's attorney shall disclose such information to the
9 judge and the opposing party.**

10 **2. If recusal of the judge is required pursuant to subsection 1 of**
11 **this section, then the opposing party may waive the recusal and the**
12 **judge may participate in the proceeding, subject to the judge's**
13 **agreement. Such waiver shall be incorporated into the record.**

14 **3. If a circuit judge is disqualified from hearing a case under the**
15 **provisions of this section, the court shall either call in another circuit**
16 **judge to sit in the case, as authorized by section 15 of article V of the**
17 **Missouri Constitution, or request the supreme court to transfer a judge**
18 **to hear the proceeding, as authorized by section 6 of article V of the**
19 **Missouri Constitution.**

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