

# SENATE BILL NO. 1797

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR TRENT.

7491S.011

KRISTINA MARTIN, Secretary

## AN ACT

To amend chapter 1, RSMo, by adding thereto two new sections relating to severability of provisions in a legislative act.

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

Section A. Chapter 1, RSMo, is amended by adding thereto  
2 two new sections, to be known as sections 1.141 and 1.4500, to  
3 read as follows:

1.141. If any provision of a legislative act is found  
2 unconstitutional by a court of competent jurisdiction for  
3 any reason, whether procedural or substantive, the provision  
4 shall be severed, the remaining provisions shall be valid,  
5 and the court shall presume that the general assembly would  
6 have enacted the valid provisions without the void one;  
7 provided that if the court finds by clear and convincing  
8 evidence that the general assembly would not have enacted  
9 the valid provisions absent the void provision, then the  
10 valid provisions shall also be declared invalid. Clear and  
11 convincing evidence shall include, but not be limited to, a  
12 finding that the valid provisions, standing alone, are  
13 incomplete and are incapable of being executed in accordance  
14 with the legislative intent.

1.4500. In the event that any section, provision,  
2 clause, phrase, or word of a legislative act or the  
3 application thereof is declared invalid under the

4 Constitution of the United States or the Constitution of the  
5 State of Missouri, it is the intent of the general assembly  
6 that the remaining sections of the act remain in force and  
7 effect as far as they are capable of being carried into  
8 execution as intended by the general assembly. The general  
9 assembly hereby declares that it would have passed each  
10 section, provision, clause, phrase, or word thereof,  
11 irrespective of the fact that any one or more sections,  
12 provisions, clauses, phrases, or words of a legislative act  
13 or the application of the legislative act would be declared  
14 unenforceable, unconstitutional, or invalid.

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