

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 128
90TH GENERAL ASSEMBLY

Reported from the Committee on Judiciary, January 14, 1999, with recommendation that the Senate Committee Substitute do pass.

S0442.05C

TERRY L. SPIELER, Secretary.

AN ACT

To repeal section 105.464, RSMo Supp. 1998, relating to judiciary, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

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

Section A. Section 105.464, RSMo Supp. 1998, is repealed and one new section enacted in lieu thereof, to be known as section 105.464, to read as follows:

105.464. 1. No person serving in a judicial or quasi-judicial capacity shall participate in such capacity in any proceeding in which:

(1) The person knows that a party is any of the following: the person or the person's great-grandparent, grandparent, parent, stepparent, guardian, foster parent, spouse, former spouse, child, stepchild, foster child, ward, niece, nephew, brother, sister, uncle, aunt, or cousin, or any firm or corporation in which the person has an ownership interest, or any trust in which the person has any legal, equitable or beneficial interest;

(2) The person knows the subject matter is such that the person may receive a direct [or indirect] financial gain, **as provided in the Canons of Judicial Conduct**, from any potential result of the proceeding, except that no provision in this subsection shall be construed to prohibit the person from participating in any proceeding by reason of the fact that the state, or any agency of the state, or any agency of a political subdivision thereof, is a party. **No provision in this subdivision shall be construed to prohibit the person from participating in any proceeding in which the person would not be materially affected in a substantially different manner or degree than the manner or degree in which the public in general will be**

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

affected or, if the matter affects only a special class of persons, then affected in a substantially different manner or degree than the manner or degree in which such class will be affected.

2. No provision in the section shall be construed to prohibit him from entering an order disqualifying himself or herself or transferring the matter to another court, body, or person for further proceedings.

Section B. Because of the need to expedite pending matters before the supreme court this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and this act shall be in full force and effect upon its passage and approval.

Unofficial

Bill

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