

SECOND REGULAR SESSION

HOUSE BILL NO. 2656

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE GRIER.

3206H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 1, RSMo, by adding thereto one new section relating to emergency orders.

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

Section A. Chapter 1, RSMo, is amended by adding thereto one new section, to be
2 known as section 1.1000, to read as follows:

**1.1000. 1. The exercise of any emergency power that the governor or any other
2 official may have under the Constitution of Missouri or state law that binds or regulates
3 the public is limited as follows:**

4 **(1) Notwithstanding any other law, emergency orders issued by state or local
5 officials that bind, curtail, or infringe on the rights of private parties shall be narrowly
6 tailored to serve a compelling public health or safety interest. Each order shall be
7 limited in duration, applicability, and scope to reduce infringement of individual liberty;**

8 **(2) State courts shall have jurisdiction to hear cases challenging the lawfulness of
9 state and local emergency orders, including compliance with this section. Courts shall
10 expedite consideration of such challenges to the extent practicable. A court may cite
11 inequality in the applicability or impact of emergency orders on analogous groups,
12 situations, and circumstances as evidence that the order is not narrowly tailored to serve
13 a compelling public health or safety purpose;**

14 **(3) To the extent allowed by the Constitution of Missouri and state law, only the
15 governor may issue emergency orders that infringe on constitutional rights in a
16 nontrivial manner. For the purposes of this section, constitutional rights include, but
17 are not limited to, the rights to travel, work, assemble, and speak; the freedom of
18 religious exercise; the nonimpairment of contract and property rights; freedom from**

EXPLANATION — Matter enclosed in bold-faced brackets ~~thus~~ in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

19 unreasonable search and seizure; and the freedom to purchase lawful firearms and
20 ammunition. All such orders shall expire after thirty days unless the governor
21 terminates the order earlier or the legislature enacts legislation granting the governor
22 power to issue an extended order.

23 **2. Nothing in this section grants additional emergency powers to the governor or**
24 **any other official.**

25 **3. Notwithstanding the provisions of this section, state and local officials may**
26 **issue nonbinding recommendations and guidelines and may help coordinate public and**
27 **private action to prevent or respond to an emergency.**

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