

SECOND REGULAR SESSION

SENATE BILL NO. 619

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR NIEVES.

Pre-filed December 9, 2013, and ordered printed.

TERRY L. SPIELER, Secretary.

4387S.01I

AN ACT

To amend chapter 506, RSMo, by adding thereto one new section relating to the laws of other countries.

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

Section A. Chapter 506, RSMo, is amended by adding thereto one new
2 section, to be known as section 506.600, to read as follows:

**506.600. 1. This section shall be known as the "Civil Liberties
2 Defense Act". The Missouri general assembly finds that it shall be the
3 public policy of this state to protect its citizens from the application of
4 foreign laws when the application of a foreign law will result in the
5 violation of a right protected by the constitutions of the state of
6 Missouri and the United States, including, but not limited to, due
7 process, freedom of religion, speech, or press, and any right of privacy.**

**8 2. The Missouri general assembly fully recognizes the right to
9 contract freely under the laws of this state, and also recognizes that
10 this right may be reasonably and rationally circumscribed pursuant to
11 the state's interest to protect and promote rights and privileges
12 protected under the Missouri and United States Constitutions,
13 including, but not limited to, due process, freedom of religion, speech,
14 or press, and any right of privacy.**

15 3. As used in this section, the following terms mean:

**16 (1) "Court", any court, board, administrative agency, or other
17 adjudicative or enforcement authority of this state;**

**18 (2) "Foreign law, legal code, or system", any law, legal code, or
19 system of a jurisdiction outside of any state or territory of the United
20 States, including, but not limited to, international organizations and
21 tribunals, and applied by that jurisdiction's courts, administrative**

22 bodies, or other formal or informal tribunals;

23 (3) "Religious organization", any church, seminary, synagogue,
24 temple, mosque, religious order, religious corporation, association, or
25 society, whose identity is distinctive in terms of common religious
26 creed, beliefs, doctrines, practices, or rituals, of any faith or
27 denomination, including any organization qualifying as a church or
28 religious organization under section 501(c)(3) or 501(d) of the United
29 States Internal Revenue Code.

30 4. Any court, arbitration, tribunal, or administrative agency
31 ruling or decision shall violate the public policy of this state and be
32 void and unenforceable if the court, arbitration, tribunal, or
33 administrative agency bases its rulings or decisions in the matter at
34 issue in whole or in part on any foreign law, legal code, or system that
35 is repugnant or inconsistent with the Missouri and United States
36 Constitutions.

37 5. A contract or contractual provisions, if capable of segregation,
38 which provides for the choice of a law, legal code, or system to govern
39 some or all of the disputes between the parties adjudicated by a court
40 of law or by an arbitration panel arising from the contract mutually
41 agreed upon shall violate the public policy of this state and be void and
42 unenforceable if the foreign law, legal code, or system chosen includes
43 or incorporates any substantive or procedural law, as applied to the
44 dispute at issue, that is repugnant or inconsistent with the Missouri
45 and United States Constitutions.

46 6. (1) A contract or contractual provisions, if capable of
47 segregation, which provides for a jurisdiction for purposes of granting
48 the courts or arbitration panels in personam jurisdiction over the
49 parties to adjudicate any disputes between parties arising from the
50 contract mutually agreed upon shall violate the public policy of this
51 state and be void and unenforceable if the jurisdiction chosen includes
52 any foreign law, legal code, or system, as applied to the dispute at
53 issue, that is repugnant or inconsistent with the Missouri and United
54 States Constitutions.

55 (2) If a resident of this state, subject to personal jurisdiction in
56 this state, seeks to maintain litigation, arbitration, agency, or similarly
57 binding proceedings in this state and if the courts of this state find that
58 granting a claim of forum non conveniens or a related claim violates or

59 would likely violate rights protected under the Missouri and United
60 States Constitutions of the nonclaimant in the foreign forum with
61 respect to the matter in dispute, then it is the public policy of this state
62 that the claim shall be denied.

63 7. Without prejudice to any legal right, this section shall not
64 apply to a corporation, partnership, limited liability company, business
65 association, or other legal entity that contracts to subject itself to
66 foreign law in a jurisdiction other than this state or the United
67 States. Neither shall this section apply to adoptions which occur under
68 the laws of a foreign country and the adopted child has migrated to the
69 United States in accordance with federal law.

70 8. No court or arbitrator shall interpret this section to limit the
71 right of any person to the free exercise of religion as guaranteed by the
72 First Amendment to the United States Constitution and by the
73 constitution of this state. No court shall interpret this section to
74 require or authorize any court to adjudicate, or prohibit any religious
75 organization from adjudicating, ecclesiastical matters, including, but
76 not limited to, the election, appointment, calling, dismissal, removal, or
77 excommunication of a member, officer, official, priest, nun, monk,
78 pastor, rabbi, imam, or member of the clergy, of the religious
79 organization, or determination or interpretation of the doctrine of the
80 religious organization, where adjudication by a court would violate the
81 constitution of this state or the prohibition of the establishment clause
82 of the First Amendment of the United States Constitution.

83 9. This section shall not be interpreted by any court to conflict
84 with any federal treaty or other international agreement to which the
85 United States is a party to the extent that such treaty or international
86 agreement preempts or is superior to state law on the matter at issue.

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