

SENATE SUBSTITUTE
FOR
SENATE BILL NO. 267

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:

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

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

12 2. The Missouri general assembly fully recognizes the right
13 to contract freely under the laws of this state, and also
14 recognizes that this right may be reasonably and rationally
15 circumscribed pursuant to the state's interest to protect and
16 promote rights and privileges granted under the Missouri and
17 United States constitutions, including, but not limited to, due
18 process, freedom of religion, speech, or press, and any right of
19 privacy.

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

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

4 (2) "Foreign law, legal code, or system", any law, legal
5 code, or system of a jurisdiction outside of any state or
6 territory of the United States, including, but not limited to,
7 international organizations and tribunals, and applied by that
8 jurisdiction's courts, administrative bodies, or other formal or
9 informal tribunals;

10 (3) "Religious organization", any church, seminary,
11 synagogue, temple, mosque, religious order, religious
12 corporation, association, or society, whose identity is
13 distinctive in terms of common religious creed, beliefs,
14 doctrines, practices, or rituals, of any faith or denomination,
15 including any organization qualifying as a church or religious
16 organization under section 501(c)(3) or 501(d) of the United
17 States Internal Revenue Code.

18 4. Any court, arbitration, tribunal, or administrative
19 agency ruling or decision shall violate the public policy of this
20 state and be void and unenforceable if the court, arbitration,
21 tribunal, or administrative agency bases its rulings or decisions
22 in the matter at issue in whole or in part on any foreign law,
23 legal code, or system that is repugnant or inconsistent with the
24 Missouri and United States constitutions.

25 5. A contract or contractual provisions, if capable of
26 segregation, which provides for the choice of a law, legal code,
27 or system to govern some or all of the disputes between the
28 parties adjudicated by a court of law or by an arbitration panel

1 arising from the contract mutually agreed upon shall violate the
2 public policy of this state and be void and unenforceable if the
3 foreign law, legal code, or system chosen includes or
4 incorporates any substantive or procedural law, as applied to the
5 dispute at issue, that is repugnant or inconsistent with the
6 Missouri and United States constitutions.

7 6. (1) A contract or contractual provisions, if capable
8 of segregation, which provides for a jurisdiction for purposes of
9 granting the courts or arbitration panels in personam
10 jurisdiction over the parties to adjudicate any disputes between
11 parties arising from the contract mutually agreed upon shall
12 violate the public policy of this state and be void and
13 unenforceable if the jurisdiction chosen includes any foreign
14 law, legal code, or system, as applied to the dispute at issue,
15 that is repugnant or inconsistent with the Missouri and United
16 States constitutions;

17 (2) If a resident of this state, subject to personal
18 jurisdiction in this state, seeks to maintain litigation,
19 arbitration, agency, or similarly binding proceedings in this
20 state and if the courts of this state find that granting a claim
21 of forum non conveniens or a related claim violates or would
22 likely violate rights protected under the Missouri and United
23 States constitutions of the nonclaimant in the foreign forum with
24 respect to the matter in dispute, then it is the public policy of
25 this state that the claim shall be denied.

26 7. Without prejudice to any legal right, this act shall not
27 apply to a corporation, partnership, limited liability company,
28 business association, or other legal entity that contracts to

1 subject itself to foreign law in a jurisdiction other than this
2 state or the United States.

3 8. No court or arbitrator shall interpret this act to limit
4 the right of any person to the free exercise of religion as
5 guaranteed by the First Amendment to the United States
6 constitution and by the constitution of this state. No court
7 shall interpret this act to require or authorize any court to
8 adjudicate, or prohibit any religious organization from
9 adjudicating, ecclesiastical matters, including, but not limited
10 to, the election, appointment, calling, dismissal, removal, or
11 excommunication of a member, officer, official, priest, nun,
12 monk, pastor, rabbi, imam, or member of the clergy, of the
13 religious organization, or determination or interpretation of the
14 doctrine of the religious organization, where adjudication by a
15 court would violate the constitution of this state or the
16 prohibition of the establishment clause of the First Amendment of
17 the United States Constitution.

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