

FIRST REGULAR SESSION
[P E R F E C T E D]
SENATE SUBSTITUTE FOR

SENATE BILL NO. 267

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR NIEVES.

Offered April 10, 2013.

Senate Substitute adopted, April 10, 2013.

Taken up for Perfection April 10, 2013. Bill declared Perfected and Ordered Printed, as amended.

TERRY L. SPIELER, Secretary.

1409S.02P

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

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

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

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