

SECOND REGULAR SESSION

SENATE BILL NO. 1456

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR MOON.

6360S.01I

KRISTINA MARTIN, Secretary

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
2 one new section, to be known as section 506.600, to read as
3 follows:

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

10 2. The Missouri general assembly fully recognizes the
11 right to contract freely under the laws of this state, and
12 also recognizes that this right may be reasonably and
13 rationally circumscribed under the state's interest to
14 protect and promote rights and privileges protected under
15 the Constitution of Missouri and the Constitution of the
16 United States including, but not limited to, due process,

17 freedom of religion, speech, or press, and any right of
18 privacy.

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

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

22 (2) "Foreign law, legal code, or system", any law,
23 legal code, or system of a jurisdiction outside of any state
24 or territory of the United States including, but not limited
25 to, international organizations and tribunals, and applied
26 by that jurisdiction's courts, administrative bodies, or
27 other formal or informal tribunals;

28 (3) "Religious organization", any church, seminary,
29 synagogue, temple, mosque, religious order, religious
30 corporation, association, or society whose identity is
31 distinctive in terms of common religious creed, beliefs,
32 doctrines, practices, or rituals of any faith or
33 denomination, including any organization qualifying as a
34 church or religious organization under Section 501(c)(3) or
35 501(d) of the Internal Revenue Code of 1986, as amended.

36 4. Any court, arbitration, tribunal, or administrative
37 agency ruling or decision shall violate the public policy of
38 this state and be void and unenforceable if the court,
39 arbitration, tribunal, or administrative agency bases its
40 rulings or decisions in the matter at issue in whole or in
41 part on any foreign law, legal code, or system that is
42 repugnant or inconsistent with the Constitution of Missouri
43 and the Constitution of the United States.

44 5. A contract or contractual provisions, if capable of
45 segregation, which provides for the choice of a law, legal
46 code, or system to govern some or all of the disputes
47 between the parties adjudicated by a court of law or by an
48 arbitration panel arising from the contract mutually agreed

49 upon shall violate the public policy of this state and be
50 void and unenforceable if the foreign law, legal code, or
51 system chosen includes or incorporates any substantive or
52 procedural law, as applied to the dispute at issue, that is
53 repugnant or inconsistent with the Constitution of Missouri
54 and the Constitution of the United States.

55 6. (1) A contract or contractual provisions, if
56 capable of segregation, which provides for a jurisdiction
57 for purposes of granting the courts or arbitration panels in
58 personam jurisdiction over the parties to adjudicate any
59 disputes between parties arising from the contract mutually
60 agreed upon shall violate the public policy of this state
61 and be void and unenforceable if the jurisdiction chosen
62 includes any foreign law, legal code, or system, as applied
63 to the dispute at issue, that is repugnant or inconsistent
64 with the Constitution of Missouri and the Constitution of
65 the United States.

66 (2) If a resident of this state, subject to personal
67 jurisdiction in this state, seeks to maintain litigation,
68 arbitration, agency, or similarly binding proceedings in
69 this state and if the courts of this state find that
70 granting a claim of forum non conveniens or a related claim
71 violates or would likely violate rights protected under the
72 Constitution of Missouri and the Constitution of the United
73 States of the nonclaimant in the foreign forum with respect
74 to the matter in dispute, then it is the public policy of
75 this state that the claim shall be denied.

76 7. Without prejudice to any legal right, this section
77 shall not apply to a corporation, partnership, limited
78 liability company, business association, or other legal
79 entity that contracts to subject itself to foreign law in a
80 jurisdiction other than this state or the United States.

81 8. No court or arbitrator shall interpret this section
82 to limit the right of any person to the free exercise of
83 religion as guaranteed by the First Amendment to the
84 Constitution of the United States and by the Constitution of
85 Missouri. No court shall interpret this section to require
86 or authorize any court to adjudicate or prohibit any
87 religious organization from adjudicating ecclesiastical
88 matters including, but not limited to, the election,
89 appointment, calling, dismissal, removal, or excommunication
90 of a member, officer, official, priest, nun, monk, pastor,
91 rabbi, imam, or member of the clergy of the religious
92 organization or determination or interpretation of the
93 doctrine of the religious organization where adjudication by
94 a court would violate the constitution of this state or the
95 prohibition of the Establishment Clause of the First
96 Amendment to the Constitution of the United States.

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

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