

HB 1512 -- CIVIL LIBERTIES DEFENSE ACT

SPONSOR: Curtman

COMMITTEE ACTION: Voted "do pass" by the Committee on Judiciary by a vote of 8 to 4.

This bill establishes the Civil Liberties Defense Act which specifies that it must be the public policy of Missouri to protect its citizens from the application of foreign laws when the application of a foreign law will result in the violation of a right guaranteed by the Missouri Constitution or the United States Constitution.

The bill specifies that any court, tribunal, arbitration, or administrative agency decision or ruling which is based, in whole or in part, on foreign law, legal code, or system that would not grant the parties affected by the decision or ruling the same rights granted under the Missouri Constitution or the United States Constitution will violate the public policy of Missouri and be void and unenforceable.

A contract or contractual provision which provides for the choice of a law, legal code, or system to govern any dispute which does not grant the same rights under the Missouri Constitution or the United States Constitution will violate the public policy of Missouri and be void and unenforceable.

A contract which provides for a jurisdiction in a dispute that includes any foreign law, legal code, or system that would not grant the parties the same rights under the Missouri Constitution or the United States Constitution will violate the public policy of Missouri and be void and unenforceable.

A claim of forum non conveniens or a related claim must be denied if a court finds that granting the claim would likely violate the rights under the Missouri Constitution or the United States Constitution of the non-claimant in the foreign forum.

These provisions cannot apply to a corporation, partnership, limited liability company, business association, or other legal entity that contracts to subject itself to foreign law in a jurisdiction other than Missouri or the United States.

No court or arbitrator can interpret these provisions to limit the right of any person to the free exercise of religion as guaranteed by the Missouri Constitution and the United States Constitution.

FISCAL NOTE: No impact on state funds in FY 2013, FY 2014, and

FY 2015.

PROPOSERS: Supporters say that the bill contains exemptions and exclusions to alleviate concerns in similar legislation from last session.

Testifying for the bill were Representative Curtman; and Missouri Family Network.

OPPOSERS: There was no opposition voiced to the committee.