

SECOND REGULAR SESSION

HOUSE BILL NO. 1512

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES CURTMAN (Sponsor), JONES (89), KOENIG, LEACH, FUNDERBURK, LICHTENEGGER, BRATTIN, CONWAY (14), GUERNSEY, BAHR, KELLEY (126), RICHARDSON, ZERR, GATSCHENBERGER, SHUMAKE, BERNSKOETTER, BROWN (85), ASBURY, HOUGHTON, DUGGER, SMITH (150), WIELAND, SCHATZ AND SCHARNHORST (Co-sponsors).

5396L.011

D. ADAM CRUMBLISS, Chief Clerk

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 section, to be known as section 506.600, to read as follows:

506.600. 1. This section shall be known as the "Civil Liberties Defense Act". The Missouri general assembly finds that it shall be the public policy of this state 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 constitution of this state or of the United States, including, but not limited to, due process, freedom of religion, speech, or press, and any right of privacy.

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

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

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

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

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

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

24 4. Any court, arbitration, tribunal, or administrative agency ruling or decision shall
25 violate the public policy of this state and be void and unenforceable if the court,
26 arbitration, tribunal, or administrative agency bases its rulings or decisions in the matter
27 at issue in whole or in part on any foreign law, legal code, or system that would not grant
28 the parties affected by the ruling or decision the same fundamental liberties, rights, and
29 privileges granted under the United States and Missouri constitutions, including, but not
30 limited to, due process, freedom of religion, speech, or press, and any right of privacy or
31 marriage as specifically defined by the constitution of this state.

32 5. A contract or contractual provisions, if capable of segregation, which provides
33 for the choice of a law, legal code, or system to govern some or all of the disputes between
34 the parties adjudicated by a court of law or by an arbitration panel arising from the
35 contract mutually agreed upon shall violate the public policy of this state and be void and
36 unenforceable if the foreign law, legal code, or system chosen includes or incorporates any
37 substantive or procedural law, as applied to the dispute at issue, that would not grant the
38 parties the same fundamental liberties, rights, and privileges granted under the United
39 States and Missouri constitutions, including, but not limited to, due process, freedom of
40 religion, speech, or press, and any right of privacy as specifically defined by the
41 constitution of this state.

42 6. (1) A contract or contractual provisions, if capable of segregation, which
43 provides for a jurisdiction for purposes of granting the courts or arbitration panels in
44 personam jurisdiction over the parties to adjudicate any disputes between parties arising
45 from the contract mutually agreed upon shall violate the public policy of this state and be
46 void and unenforceable if the jurisdiction chosen includes any foreign law, legal code, or
47 system, as applied to the dispute at issue, that would not grant the parties the same
48 fundamental liberties, rights, and privileges granted under the United States and Missouri
49 constitutions, including, but not limited to, due process, freedom of religion, speech, or
50 press, and any right of privacy as specifically defined by the constitution of this state;

51 **(2) If a resident of this state, subject to personal jurisdiction in this state, seeks to**
52 **maintain litigation, arbitration, agency, or similarly binding proceedings in this state and**
53 **if the courts of this state find that granting a claim of forum non conveniens or a related**
54 **claim violates or would likely violate the fundamental liberties, rights, and privileges**
55 **granted under the United States and Missouri constitutions of the nonclaimant in the**
56 **foreign forum with respect to the matter in dispute, then it is the public policy of this state**
57 **that the claim shall be denied.**

58 **7. Without prejudice to any legal right, this act shall not apply to a corporation,**
59 **partnership, limited liability company, business association, or other legal entity that**
60 **contracts to subject itself to foreign law in a jurisdiction other than this state or the United**
61 **States.**

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

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

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