

SECOND REGULAR SESSION  
SENATE COMMITTEE SUBSTITUTE FOR

# SENATE BILL NO. 619

97TH GENERAL ASSEMBLY

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Reported from the Committee on General Laws, April 23, 2014, with recommendation that the Senate Committee Substitute do pass.

4387S.02C

TERRY L. SPIELER, Secretary.

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## AN ACT

To amend chapter 506, RSMo, by adding thereto one new section relating to the laws of other countries.

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*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 protected by the constitutions of the state of Missouri and 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 protected under the Missouri and United States Constitutions, 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;**

**(2) "Foreign law, legal code, or system", any law, legal code, or system of a jurisdiction outside of any state or territory of the United 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. This section shall not apply to a corporation, partnership,**  
64 **limited liability company, business association, or other legal entity**  
65 **that contracts to subject itself to foreign law in a jurisdiction other**  
66 **than this state or the United States, nor shall this section affect the**  
67 **choice of law to be applied or the application of foreign law in any**  
68 **action in which there is any count alleging a tort and in which any**  
69 **plaintiff or their decedent was first injured in a foreign**  
70 **country. Neither shall this section apply to adoptions which occur**  
71 **under the laws of a foreign country and the adopted child has migrated**  
72 **to the United States in accordance with federal law.**

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

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

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