



ARIZONA HOUSE OF REPRESENTATIVES

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House: JUD 10-0-0-0

SB 1363: foreign-country judgments; applicability

Sponsor: Senator Mesnard, LD 17

Caucus & COW

Overview

States that existing law does not prevent the recognition of a foreign-country judgment outside the scope of existing law.

History

Statute outlines the applicability of foreign-country judgments regarding the recovery of a sum of money. In 2015, the Legislature passed the Uniform Foreign-Country Money Judgments Recognition Act (Act) that provides a legal framework for foreign, civil money judgments to be recognized in Arizona ([Laws 2015, Chapter 170](#)). The Act is not applicable to foreign-country judgments that grants or denies the recovery of a sum of money for:

- 1) A judgment for taxes;
- 2) A fine or other penalty; or
- 3) A domestic relations judgment ([A.R.S. § 12-3252](#)).

Foreign-country judgments from a country that has not adopted reciprocal laws relating to foreign-country money judgments are not applicable to the Act. The party seeking recognition of a foreign-country judgment is burdened with establishing that the Act applies ([A.R.S. § 12-3252](#)).

A court is prohibited from recognizing a foreign-country judgment in which:

- 1) The judgment was rendered under a judicial system that does not provide fair tribunals or procedures compatible with the requirements of due process of law;
- 2) The foreign court did not have personal jurisdiction over the defendant; or
- 3) The foreign court did not have jurisdiction over the subject matter ([A.R.S. § 12-3253](#)).

In instances prescribed in statute, the court may choose not to recognize a foreign-country judgment ([A.R.S. § 12-3253](#)).

Provisions

1. Establishes that existing law does not prevent the recognition under principles of comity or otherwise of a foreign-country judgment outside the scope of existing law. (Sec. 1)
2. Makes technical corrections. (Sec. 1)

Prop 105 (45 votes)

Prop 108 (40 votes)

Emergency (40 votes)

Fiscal Note