

SECOND REGULAR SESSION

HOUSE BILL NO. 2507

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MOON.

6400H.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
2 as section 506.602, to read as follows:

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

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

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

**13 (1) "Court", any court, board, administrative agency, or other adjudicative or
14 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 to,
17 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 in
21 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 under
23 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, arbitration,
26 tribunal, or administrative agency bases its rulings or decisions in the matter at issue in whole
27 or in part on any foreign law, legal code, or system that is repugnant or inconsistent with the
28 Missouri and United States Constitutions.

29 5. A contract or contractual provisions, if capable of segregation, which provides for
30 the choice of a law, legal code, or system to govern some or all of the disputes between the
31 parties adjudicated by a court of law or by an arbitration panel arising from the contract
32 mutually agreed upon shall violate the public policy of this state and be void and
33 unenforceable if the foreign law, legal code, or system chosen includes or incorporates any
34 substantive or procedural law, as applied to the dispute at issue, that is repugnant or
35 inconsistent with the Missouri and United States Constitutions.

36 6. (1) A contract or contractual provisions, if capable of segregation, which provides
37 for a jurisdiction for purposes of granting the courts or arbitration panels in personam
38 jurisdiction over the parties to adjudicate any disputes between parties arising from the
39 contract mutually agreed upon shall violate the public policy of this state and be void and
40 unenforceable if the jurisdiction chosen includes any foreign law, legal code, or system, as
41 applied to the dispute at issue, that is repugnant or inconsistent with the Missouri and United
42 States Constitutions.

43 (2) If a resident of this state, subject to personal jurisdiction in this state, seeks to
44 maintain litigation, arbitration, agency, or similarly binding proceedings in this state and if the
45 courts of this state find that granting a claim of forum non conveniens or a related claim
46 violates or would likely violate rights protected under the Missouri and United States
47 Constitutions of the nonclaimant in the foreign forum with respect to the matter in dispute,
48 then it is the public policy of this state that the claim shall be denied.

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

52 **8. No court or arbitrator shall interpret this section to limit the right of any person to**
53 **the free exercise of religion as guaranteed by the First Amendment to the United States**
54 **Constitution and by the constitution of this state. No court shall interpret this section to**
55 **require or authorize any court to adjudicate or prohibit any religious organization from**
56 **adjudicating ecclesiastical matters including, but not limited to, the election, appointment,**
57 **calling, dismissal, removal, or excommunication of a member, officer, official, priest, nun,**
58 **monk, pastor, rabbi, imam, or member of the clergy of the religious organization or**
59 **determination or interpretation of the doctrine of the religious organization where adjudication**
60 **by a court would violate the constitution of this state or the prohibition of the establishment**
61 **clause of the First Amendment of the United States Constitution.**

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

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