

State of South Dakota

EIGHTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2010

592R0456

HOUSE BILL NO. 1161

Introduced by: Representatives Lederman, Curd, Cutler, Engels, Feinstein, Gibson, Hamiel, Hoffman, Hunt, Kirkeby, Kirschman, Moser, Olson (Betty), Romkema, Russell, Schlekeway, Sly, Turbiville, and Van Gerpen and Senators Brown, Adelstein, Fryslie, Gillespie, Novstrup (Al), Olson (Russell), Peterson, and Schmidt

1 FOR AN ACT ENTITLED, An Act to provide that an out-of-country foreign judgment need not
2 be recognized if the cause of action resulted in a defamation judgment obtained in a
3 jurisdiction outside the United States, unless a court in this state first determines that the
4 defamation law applied in the foreign court's adjudication provided at least as much
5 protection for freedom of speech and press as would be provided in this state.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

7 Section 1. An out-of-country foreign judgment need not be recognized if the cause of action
8 resulted in a defamation judgment obtained in a jurisdiction outside the United States, unless
9 the court sitting in this state before which the matter is brought first determines that the
10 defamation law applied in the foreign court's adjudication provided at least as much protection
11 for freedom of speech and press in that case as would be provided by the United States
12 Constitution and the Constitution of the State of South Dakota.

13 Section 2. For the purposes of rendering declaratory relief with respect to a person's liability



1 for a foreign defamation judgment and determining whether the foreign defamation judgment
2 should be deemed nonrecognizable under section 1 of this Act, the courts of this state have
3 personal jurisdiction over any person who obtains a judgment in a defamation proceeding
4 outside the United States against any person who:

- 5 (1) Is a resident of this state;
- 6 (2) Has assets in this state; or
- 7 (3) May have to take action in this state to comply with the judgment.

8 Section 3. This Act applies to judgments rendered in defamation proceedings outside the
9 United States before, on, or after July 1, 2010, but does not apply to any out-of-country foreign
10 judgment already recognized by the courts of this state prior to July 1, 2010.