

SS SB 267 -- CIVIL LIBERTIES

SPONSOR: Nieves (Curtman)

COMMITTEE ACTION: Voted "Do Pass" by the Committee on Downsizing State Government by a vote of 8 to 2.

This substitute establishes the Civil Liberties Defense Act.

Any court, arbitration, tribunal, or administrative agency ruling or decision is void and unenforceable if based on a foreign law that is repugnant or inconsistent with the Missouri and United States constitutions.

Contract provisions that apply a foreign law to contractual disputes or allow the disputes to be settled in another country are void and unenforceable in Missouri if the foreign law is repugnant or inconsistent with the Missouri or United States constitutions.

In specified cases, a court may refuse to take jurisdiction over matters if it believes there is a more appropriate forum for the dispute. If a state resident brings the case and the court finds that not hearing the case in Missouri is repugnant or inconsistent with the Missouri and United States constitutions, the court must hear the case in Missouri.

These provisions do not apply to a business entity that subjects itself to a foreign law in a jurisdiction outside the United States. The substitute does not authorize courts or prohibit religious organizations from adjudicating ecclesiastical matters.

PROPOSERS: Supporters say that the bill is necessary to ensure that the legal systems of the United States are followed.

Testifying for the bill were Senator Nieves; and Missouri Family Network.

OPPOSERS: Those who oppose the bill say that it will result in serious consequences, as the common law will be thrown out. A judge is able to do his or her job without violating the constitution. The bill will result in unequal treatment under the law.

Testifying against the bill was John Chasnoff, ACLU-EM.