

SECOND REGULAR SESSION

# HOUSE BILL NO. 1848

99TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE KIDD.

5475H.011

D. ADAM CRUMBLISS, Chief Clerk

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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 506.602, to read as follows:

- 506.602. 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 if the application of a foreign law will result in the violation of a right protected by the Missouri or United States Constitution 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 under 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**

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.

17 to, 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  
21 in 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  
23 under 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,  
26 arbitration, tribunal, or administrative agency bases its rulings or decisions in the matter  
27 at issue in whole or in part on any foreign law, legal code, or system that is repugnant or  
28 inconsistent with the Missouri or United States Constitution.

29 5. A contract or contractual provision, if capable of segregation, that 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 or United States Constitution.

36 6. (1) A contract or contractual provision, if capable of segregation, that 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 or  
42 United States Constitution.

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  
45 if the courts of this state find that granting a claim of forum non conveniens or a related  
46 claim violates or would likely violate a right protected under the Missouri or United States  
47 Constitution of the nonclaimant in the foreign forum with respect to the matter in dispute,  
48 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  
51 contracts to subject itself to foreign law in a jurisdiction other than this state or the United  
52 States.

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

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

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