

By: Representatives Bondurant, Smith (39th)

To: Judiciary A

HOUSE BILL NO. 525

1 AN ACT TO ADDRESS THE APPLICATION OF FOREIGN LAWS; TO DEFINE
2 FOREIGN LAW; TO PROVIDE LEGISLATIVE FINDINGS; TO PROHIBIT THE
3 ENFORCEMENT OF FOREIGN LAWS UNDER CERTAIN CIRCUMSTANCES; TO
4 PROVIDE FOR APPLICABILITY TO CERTAIN PERSONS; AND FOR RELATED
5 PURPOSES.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

7 **SECTION 1.** (1) "Foreign law" means any law, rule, or legal
8 code or system established and used or applied in a jurisdiction
9 outside of the states or territories of the United States.

10 (2) The Legislature finds that it shall be the public policy
11 of this state to protect its citizens from the application of
12 foreign laws when the application of a foreign law will result in
13 the violation of a right guaranteed by the Constitution of this
14 state or of the United States, including, but not limited to, due
15 process, freedom of religion, speech, or press, and any right of
16 privacy or marriage as specifically defined by the Constitution of
17 this state.

18 (3) A court, arbitrator, administrative agency, or other
19 adjudicative, mediation, or enforcement authority shall not
20 enforce a foreign law if doing so would violate a right guaranteed
21 by the Constitution of this state or of the United States.

22 (4) If any contractual provision or agreement provides for
23 the choice of a foreign law to govern its interpretation or the
24 resolution of any dispute between the parties, and if the
25 enforcement or interpretation of the contractual provision or
26 agreement would result in a violation of a right guaranteed by the
27 Constitution of this state or of the United States, the agreement
28 or contractual provision shall be modified or amended to the



29 extent necessary to preserve the constitutional rights of the
30 parties.

31 (5) If any contractual provision or agreement provides for
32 the choice of venue or forum outside of the states or territories
33 of the United States, and if the enforcement or interpretation of
34 the contract or agreement applying that choice of venue or forum
35 provision would result in a violation of any right guaranteed by
36 the Constitution of this state or of the United States, that
37 contractual provision or agreement shall be interpreted or
38 construed to preserve the constitutional rights of the person
39 against whom enforcement is sought. Similarly, if a natural
40 person subject to personal jurisdiction in this state seeks to
41 maintain litigation, arbitration, agency, or similarly binding
42 proceedings in this state, and if a court of this state finds that
43 granting a claim of forum non conveniens or a related claim
44 violates or would likely lead to the violation of the
45 constitutional rights of the nonclaimant in the foreign forum with
46 respect to the matter in dispute, the claim shall be denied.

47 (6) Any contractual provision or agreement incapable of
48 being modified or amended in order to preserve the constitutional
49 rights of the parties pursuant to the provisions of this section
50 shall be null and void.

51 (7) The public policies expressed in the provisions of this
52 section shall apply only to actual or foreseeable violations of
53 the constitutional rights of a person caused by the application of
54 the foreign law.

55 **SECTION 2.** This act shall take effect and be in force from
56 and after July 1, 2011.

