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

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

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

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

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

(4) If any contractual provision or agreement provides for the choice of a foreign law to govern its interpretation or the resolution of any dispute between the parties, and if the enforcement or interpretation of the contractual provision or agreement would result in a violation of a right guaranteed by the Constitution of this state or of the United States, the agreement or contractual provision shall be modified or amended to the
extent necessary to preserve the constitutional rights of the parties.

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

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

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

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