

By: Representative Currie

To: Judiciary A

HOUSE BILL NO. 493

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 including Sharia law.

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



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

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

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



44 granting a claim of forum non conveniens or a related claim
45 violates or would likely lead to the violation of the
46 constitutional rights of the nonclaimant in the foreign forum with
47 respect to the matter in dispute, the claim shall be denied.

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

52 (7) Without prejudice to any other legal right, the
53 provisions of this section shall not apply when a juridical person
54 as defined by Civil Code Article 24 is a party to the contract or
55 agreement.

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

60 **SECTION 2.** This act shall take effect and be in force from
61 and after July 1, 2015.

