

By: Senator(s) Gollott, Seymour

To: Judiciary, Division A

SENATE BILL NO. 2595

1 AN ACT TO CREATE NEW SECTIONS 11-63-3 AND 11-63-5,  
2 MISSISSIPPI CODE OF 1972, TO PROHIBIT THE APPLICATION OF SHARIA  
3 LAW IN DIVORCE AND CHILD CUSTODY CASES; TO CLARIFY EXEMPTION FROM  
4 THE LAW OF BUSINESS CONTRACTS ENTERED INTO BY MISSISSIPPI  
5 BUSINESSES; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** The following shall be codified as Section  
8 11-63-3, Mississippi Code of 1972:

9 11-63-3. (1) (a) A contract provision involving the  
10 marriage relationship which provides that a foreign law is to  
11 govern a dispute arising under the contract is void to the extent  
12 that the application of the foreign law to the dispute would  
13 violate a fundamental right guaranteed by the United States  
14 Constitution or the constitution of this state.

15 (b) A contract provision involving the marriage  
16 relationship providing that the forum to resolve a dispute arising  
17 under the contract is located outside the states and territories  
18 of the United States is void if the foreign law that would be  
19 applied to the dispute in that forum would, as applied, violate a



20 fundamental right guaranteed by the United States Constitution or  
21 the constitution of this state.

22 (2) (a) A ruling or decision of a court, arbitrator, or  
23 administrative adjudicator in a suit affecting the parent-child  
24 relationship may not be based on a foreign law if the application  
25 of that law would violate a fundamental right guaranteed by the  
26 United States Constitution or the constitution or a statute of  
27 this state.

28 (b) A contract provision involving the parent-child  
29 relationship providing that a foreign law is to govern a dispute  
30 arising under the contract is void to the extent that the  
31 application of the foreign law to the dispute would violate a  
32 fundamental right guaranteed by the United States Constitution or  
33 the constitution of this state.

34 (c) A contract provision involving the parent-child  
35 relationship providing that the forum to resolve a dispute arising  
36 under the contract is located outside the states and territories  
37 of the United States is void if the foreign law that would be  
38 applied to the dispute in that forum would, as applied, violate a  
39 fundamental right guaranteed by the United States Constitution or  
40 the constitution of this state.

41 **SECTION 2.** The following shall be codified as Section  
42 11-63-5, Mississippi Code of 1972:



43           11-63-5. This chapter does not apply to a corporation or  
44 other legal entity that contracts to subject the entity to foreign  
45 law in a jurisdiction other than this state or the United States.

46           **SECTION 3.** This act shall take effect and be in force from  
47 and after July 1, 2016.

