

HB 461 - AS INTRODUCED

2015 SESSION

15-0330
04/10

HOUSE BILL **461**

AN ACT prohibiting the use or application of foreign laws in the state court.

SPONSORS: Rep. LeBreche, Belk 6; Rep. Goulette, Hills 23; Rep. Burt, Hills 39; Rep. Balcom, Hills 21; Rep. Baldasaro, Rock 5; Rep. Spillane, Rock 2; Rep. Wheeler, Merr 3; Sen. Cataldo, Dist 6

COMMITTEE: Judiciary

ANALYSIS

This bill prohibits the application of foreign laws in the courts of this state.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears [~~in brackets and struck through~~].
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Fifteen

AN ACT prohibiting the use or application of foreign laws in the state court.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Legislative Findings. The general court finds that:

2 I. It shall be the public policy of this state to protect its citizens from the application of
3 foreign laws when the application of a foreign law will result in the violation of one of the following
4 fundamental rights guaranteed by the constitution of this state or of the United States: due process,
5 equal protection, freedom of religion, speech, or press, the right to keep and bear arms and any right
6 of privacy or marriage as specifically defined by the constitution of this state.

7 II. The right to contract freely under the laws of this state is vital, and this right may be
8 reasonably and rationally circumscribed pursuant to the state's interest to protect and promote these
9 fundamental rights and privileges granted under the United States Constitution or the New
10 Hampshire constitution: due process, equal protection, freedom of religion, speech, or press, the
11 right to keep and bear arms and any right of privacy or marriage.

12 2 New Chapter; Applicability of Foreign Law. Amend RSA by inserting after chapter 524-A the
13 following new chapter:

14 CHAPTER 524-B

15 APPLICABILITY OF FOREIGN LAW

16 524-B:1 Definitions. In this chapter:

17 I. "Court" means any court, board, administrative agency, or other adjudicative or
18 enforcement authority of this state.

19 II. "Foreign law" means any law, legal code, or system of a jurisdiction outside of any state or
20 territory of the United States, including, but not limited to, international organizations and
21 tribunals, and applied by that jurisdiction's courts, administrative bodies, or other formal or informal
22 tribunals. "Foreign law" shall not mean or include any laws of the Native American tribes in this
23 state.

24 III. "Religious organization" means any church, seminary, synagogue, temple, mosque,
25 religious order, religious corporation, association, or society, whose identity is distinctive in terms of
26 common religious creed, beliefs, doctrines, practices, or rituals, of any faith or denomination,
27 including any organization qualifying as a church or religious organization under section 501(c)(3) or
28 501(d) of the United States Internal Revenue Code.

29 524-B:2 Prohibitions.

30 I. No judgment, order, or decree of a court, arbitration panel, tribunal, or administrative
31 agency shall be enforceable if the judgment, order, or decree is based in whole or in part on a foreign

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1 law that would result in denying any party affected by the judgment, order, or decree any
2 fundamental right granted under the United States Constitution or the New Hampshire constitution
3 including, but not limited to due process, equal protection, freedom of religion, speech, or press, the
4 right to keep and bear arms, and any right of privacy or marriage. Any ruling or decision of any such
5 body shall violate the public policy of this state and be void and unenforceable.

6 II.(a) No contract or contractual provision which provides for the choice of law to govern
7 some or all of the disputes between the parties adjudicated by a court or an arbitration panel arising
8 from the contract mutually agreed upon shall be enforceable if such contract or contractual provision
9 would result in denying any party to the contract any fundamental right granted under the United
10 States Constitution or the New Hampshire constitution including, but not limited to due process,
11 equal protection, freedom of religion, speech, or press, the right to keep and bear arms, and any right
12 of privacy or marriage.

13 (b) No contract or contractual provision which provides for a jurisdiction for purposes of
14 granting a court or arbitration panel personal jurisdiction over the parties to adjudicate any disputes
15 between parties shall be enforceable if the jurisdiction chosen includes any foreign law that would
16 result in denying any party to the contract any fundamental right granted under the United States
17 Constitution or the New Hampshire constitution including, but not limited to due process, equal
18 protection, freedom of religion, speech, or press, the right to keep and bear arms, and any right of
19 privacy or marriage.

20 (c) No court or arbitration panel shall grant a petition for a change of forum if such
21 change would violate the respondent's fundamental rights, liberties, and privileges granted under
22 the United States Constitution or the New Hampshire constitution.

23 524-B:3 Applicability.

24 I. This chapter shall not apply to a corporation, partnership, limited liability company,
25 business association, or other legal entity that contracts to subject itself to foreign law in a
26 jurisdiction other than this state or the United States.

27 II. No court or arbitrator shall interpret this chapter to limit the right of any person to the
28 free exercise of religion as guaranteed by the First Amendment to the United States Constitution or
29 by the New Hampshire Constitution. No court shall interpret this Act to require or authorize any
30 court to adjudicate, or prohibit any religious organization from adjudicating, ecclesiastical matters,
31 including, but not limited to, the election, appointment, calling, discipline, dismissal, removal or
32 excommunication of a member, officer, official, priest, nun, monk, pastor, rabbi, imam or member of
33 the clergy, of the religious organization, or determination or interpretation of the doctrine of the
34 religious organization, where adjudication by a court would violate the prohibition of the
35 establishment clause of the First Amendment of the United States, or violate the New Hampshire
36 constitution.

37 III. This chapter shall not be construed to conflict with any federal treaty or other

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1 international agreement to which the United States is a party to the extent that such treaty or
2 international agreement preempts state law.

3 IV. Nothing in this chapter shall be construed to conflict with RSA 524-A relative to the
4 enforcement of foreign judgments.

5 3 Effective Date. This act shall take effect 60 days after its passage.