

Senate Bill 488

By: Senators Cowsert of the 46th, Harp of the 29th and Hamrick of the 30th

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 5 of Chapter 12 of Title 9 of the Official Code of Georgia Annotated,  
2 relating to the "Georgia Foreign Money Judgments Recognition Act," so as to not recognize  
3 foreign judgments in defamation actions unless such jurisdiction's laws provide sufficiently  
4 similar constitutional protections as provided by courts in this state; to provide for related  
5 matters; to provide for applicability; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 5 of Chapter 12 of Title 9 of the Official Code of Georgia Annotated, relating to the  
9 "Georgia Foreign Money Judgments Recognition Act," is amended by revising Code Section  
10 9-12-114, relating to when foreign judgment is not recognized, as follows:

11 "9-12-114.

12 A foreign judgment shall not be recognized if:

- 13 (1) The judgment was rendered under a system which does not provide impartial  
14 tribunals or procedures compatible with the requirements of due process of law;
- 15 (2) The foreign court did not have personal jurisdiction over the defendant;
- 16 (3) The foreign court did not have jurisdiction over the subject matter;
- 17 (4) The defendant in the proceedings in the foreign court did not receive notice of the  
18 proceedings in sufficient time to enable him or her to defend;
- 19 (5) The judgment was obtained by fraud;
- 20 (6) The cause of action on which the judgment is based is repugnant to the public policy  
21 of this state;
- 22 (7) The judgment conflicts with another final and conclusive judgment;
- 23 (8) The proceedings in the foreign court were contrary to an agreement between the  
24 parties under which the dispute in question was to be settled otherwise than by  
25 proceedings in that court;

26 (9) In the case of jurisdiction based only on personal service, the foreign court was a  
27 seriously inconvenient forum for the trial of the action; ~~or~~

28 (10) The party seeking to enforce the judgment fails to demonstrate that judgments of  
29 courts of the United States and of states thereof of the same type and based on  
30 substantially similar jurisdictional grounds are recognized and enforced in the courts of  
31 the foreign state; or

32 (11)(A) The judgment was based on a cause of action for defamation, unless a court  
33 sitting in this state before which the matter is brought first determines that the  
34 defamation law which applied in the foreign state's court's adjudication provided at least  
35 as much protection for freedom of speech and press as would be provided by the United  
36 States Constitution and the Georgia Constitution.

37 (B) For the purposes of rendering declaratory relief with respect to a person's liability  
38 under this paragraph, the courts of this state shall have personal jurisdiction over any  
39 person who obtains a foreign judgment in a defamation proceeding against any person  
40 who:

41 (i) Is a resident of this state;

42 (ii) Is a person or entity amenable to the jurisdiction of this state;

43 (iii) Has assets in this state; or

44 (iv) May have to take action in this state to comply with such judgment.

45 (C) This paragraph shall apply to foreign judgments rendered in defamation  
46 proceedings on or after July 1, 2010."

47 **SECTION 2.**

48 All laws and parts of laws in conflict with this Act are repealed.