

Senate Bill 51

By: Senators Hill of the 32nd, Loudermilk of the 52nd, Hamrick of the 30th, Bethel of the 54th, Gooch of the 51st and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 12 of Title 9 of the Official Code of Georgia Annotated, relating to
2 verdict and judgment, so as to provide a short title; to provide for legislative findings; to
3 define certain terms; to provide that no court, arbitrator, administrative agency, or other
4 tribunal shall enforce a foreign law if doing so would violate a right guaranteed by the
5 Constitution of this state or of the United States; to provide for construction; to provide for
6 null contracts; to provide for findings of fact and conclusion of law; to provide for
7 applicability; to provide for related matters; to repeal conflicting laws; and for other
8 purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 This Act shall be known and may be cited as the "American Laws for Georgia Courts Act."

12 **SECTION 2.**

13 Chapter 12 of Title 9 of the Official Code of Georgia Annotated, relating to verdict and
14 judgment, is amended by adding a new article to read as follows:

15 "ARTICLE 7

16 9-12-150.

17 (a) The General Assembly finds that it shall be the public policy of this state to protect its
18 citizens from the application of foreign laws when the application of a foreign law will
19 result in the violation of a right guaranteed by the Constitution of this state or of the United
20 States, including, by way of example and not of limitation, due process, freedom of
21 religion, speech, or press, and the right to keep and bear arms.

(b) As used in this Code section, the term 'foreign law' means any law, rule, or legal code or system established and used or applied in a jurisdiction outside of the United States or its territories.

(c) A court, arbitrator, administrative agency, or other tribunal 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.

(d) If any contractual provision or agreement provides for the choice of a foreign law to govern its interpretation or the resolution of any claim or 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.

(e) If any contractual provision or agreement provides for the choice of venue or forum outside of the United States or its territories, 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 a person against whom enforcement is sought, and a transfer or change of venue or forum pursuant to such provision shall be denied.

(f) If a person subject to personal jurisdiction in this state seeks to maintain litigation, arbitration, administrative, 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, such claim shall be denied.

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

(h) The provisions of this Code section shall apply only to actual or foreseeable violations of the constitutional rights of a person caused by the application of the foreign law.

(i) Any court, arbitrator, administrative agency, or other tribunal denying relief requested pursuant to this Code section shall make written findings of fact and conclusions of law in rendering its decision.

(j) This Code section shall apply to contracts executed on or after July 1, 2011."

SECTION 3.

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