

Senate Resolution 926

By: Senators McKoon of the 29th, Shafer of the 48th, Wilkinson of the 50th, Unterman of the 45th, Hill of the 32nd and others

A RESOLUTION

1 Proposing an amendment to the Constitution so as to describe foreign and religious laws
 2 which are incompatible with the laws and policy of the United States and the State of
 3 Georgia; to provide for ways in which incompatible laws may not be applied or enforced; to
 4 provide for the submission of this amendment for ratification or rejection; and for other
 5 purposes.

6 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 SECTION 1.

8 Article I of the Constitution is amended by adding a new section to read as follows:

9 "SECTION V.

10 PROHIBITION AGAINST FOREIGN LAWS

11 Paragraph I. *Prohibition of laws incompatible with the United States Constitution and*
 12 *this Constitution.* (a) The State of Georgia, its political subdivisions, and any adjudicative
 13 bodies, including courts, judges, magistrates, arbitrators, mediators, city councils, and
 14 administrative bodies, shall not recognize or enforce any foreign law, religious law,
 15 custom, or practice that is contrary to or incompatible with the United States Constitution
 16 and the laws, rules, and regulations promulgated pursuant thereto; the Constitution of
 17 Georgia and the laws, rules, and regulations promulgated pursuant thereto; or the common
 18 law as recognized in the State of Georgia.

19 (b) Foreign laws prohibited in this section include any law, rule, or regulation of
 20 jurisdictions outside any state or territory of the United States which does not provide the
 21 same or equivalent individual rights and liberties guaranteed under the United States
 22 Constitution and the Constitution of Georgia.

23 (c) Religious laws, customs, or practices prohibited in this section include any law, rule,
 24 or regulation constituting, implementing, or enforcing by civil authorities of this state a
 25 religious system, belief, code, or ethnic or tribal custom or practice.

26 (d) Prohibited laws, customs, and practices, from whatever source they arise, include, but
 27 are not limited to, those which permit, enforce, or implement any of the following:

- 28 (1) Prejudicial treatment of women or persons of a particular race, religion, ethnicity,
 29 social class, or caste before the law;
 30 (2) Prohibition of the right to leave, change, or renounce one's religion or belief;
 31 (3) Prohibition of otherwise protected speech or assembly;
 32 (4) Plural marriages;
 33 (5) Marriages of convenience or contracts for sexual services;
 34 (6) Forced or underage marriages;
 35 (7) Violence against women and children, excluding reasonable parental discipline of
 36 children;
 37 (8) Politically or religiously motivated physical violence or homicide;
 38 (9) Cruel and unusual punishments as prohibited by the Eighth Amendment to the
 39 United States Constitution, including, but not limited to, punishments such as amputation,
 40 lashing, flogging, stoning, branding, or piercing;
 41 (10) Female genital mutilation; or
 42 (11) Human sacrifice.

43 Paragraph II. *Ways in which incompatible laws may not be applied or enforced.*

44 (a) The courts, judges, magistrates, arbitrators, mediators, administrative agencies, or other
 45 adjudicative entities of this state shall not enforce contractual provisions or agreements that
 46 provide for the choice of law described in Paragraph I of this section to govern their
 47 interpretation, performance, or implementation, or to resolve any claim or dispute. This
 48 reflects the strong public policy of this state.

49 (b) The courts, judges, magistrates, arbitrators, mediators, administrative agencies, or
 50 other adjudicative entities of this state shall not recognize or enforce a decision rendered
 51 by any foreign court, administrative agency, arbitrator, mediator, or other adjudicative
 52 entity if that decision was governed by or applied laws described in Paragraph I of this
 53 section. This reflects the strong public policy of this state.

54 (c) The courts, judges, magistrates, arbitrators, mediators, administrative agencies, or
 55 other adjudicative entities of this state shall not enforce contractual provisions or
 56 agreements that provide for forums in which courts, judges, magistrates, arbitrators,
 57 mediators, or other adjudicative entities are governed by or apply laws described in
 58 Paragraph I of this section. This is the strong public policy of this state.

59 (d) The courts, judges, magistrates, arbitrators, mediators, administrative agencies, or
 60 other adjudicative entities of this state shall not grant a claim of forum non conveniens or
 61 a related claim in any litigation, arbitration, mediation, or any similar proceeding if the

62 alternative forum is governed by or applies laws described in Paragraph I of this section.
 63 This is the strong public policy of this state.
 64 (e) The courts, judges, magistrates, arbitrators, mediators, administrative agencies, or
 65 other adjudicative entities of this state shall not recognize or enforce any other motion,
 66 petition, or similar request for relief that violates this section. This is the strong public
 67 policy of this state."

68 **SECTION 2**

69 The above proposed amendment to the Constitution shall be published and submitted as
 70 provided in Article X, Section I, Paragraph II of the Constitution. The ballot submitting the
 71 above proposed amendment shall have written or printed thereon the following:

72 "() YES Shall the Constitution of Georgia be amended so as to provide for the
 73 prohibition of laws incompatible with the United States Constitution and the
 74 () NO Constitution of Georgia and provide ways in which such laws may not be
 75 applied?"

76 All persons desiring to vote in favor of ratifying the proposed amendment shall vote "Yes."
 77 All persons desiring to vote against ratifying the proposed amendment shall vote "No." If
 78 such amendment shall be ratified as provided in said Paragraph of the Constitution, it shall
 79 become a part of the Constitution of this state.