

Senate Resolution 808

By: Senator Williams of the 19th

## A RESOLUTION

1 Proposing an amendment to the Constitution so as to prohibit the application of foreign law  
 2 in Georgia courts when such foreign law is in violation of rights guaranteed natural citizens  
 3 by the United States and Georgia Constitutions; to prohibit the application of laws enacted  
 4 by other states that violate the public policy of the State of Georgia; to provide for the  
 5 submission of this amendment for ratification or rejection; and for other purposes.

6 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:

### 7 SECTION 1.

8 Article I, Section I of the Constitution is amended by adding a new Paragraph to read as  
 9 follows:

10 "Paragraph XXX. *Application of foreign law.* (a) As used in this Paragraph, 'foreign  
 11 law' means any law, rule, or legal code, or system established, used, or applied in a  
 12 jurisdiction outside of the states or territories of the United States, or which exist as a  
 13 separate body of law, legal code, or system adopted or used anywhere by any people,  
 14 group, or culture different from the Constitution and laws of the United States or the State  
 15 of Georgia.

16 (b) A court, arbitrator, administrative agency, or other adjudicative, arbitrate, or  
 17 enforcement authority in this state shall not apply or enforce a foreign law if doing so  
 18 would violate any state law or a right guaranteed by the Constitution of this state or of the  
 19 United States.

20 (c) If any contractual provision or agreement provides for the choice of a foreign law to  
 21 govern its interpretation or the resolution of any dispute between the parties, and if the  
 22 enforcement or interpretation of the contractual provision or agreement would result in a  
 23 violation of a right guaranteed by the Constitution of this state or of the United States, the  
 24 agreement or contractual provision shall be modified or amended to the extent necessary  
 25 to preserve the constitutional rights of the parties.

26 (d) If any contractual provision or agreement provides for the choice of venue or forum  
 27 outside of the states or territories of the United States, and if the enforcement or

28 interpretation of the contract or agreement applying that choice of venue or forum  
 29 provision would result in a violation of any right guaranteed by the Constitution of this  
 30 state or of the United States, that contractual provision or agreement shall be interpreted  
 31 or construed to preserve the constitutional rights of the person against whom enforcement  
 32 is sought. If a natural person subject to personal jurisdiction in this state seeks to maintain  
 33 litigation, arbitration, an administrative proceeding, or a similarly binding proceeding in  
 34 this state, and if a court of this state finds that granting a claim of forum non conveniens  
 35 or a related claim violates or would likely lead to the violation of the constitutional rights  
 36 of the nonclaimant in the foreign forum with respect to the matter in dispute, the claim  
 37 shall be denied.

38 (e) Any contractual provision or agreement incapable of being modified or amended in  
 39 order to preserve the constitutional rights of the parties pursuant to the provisions of this  
 40 Paragraph shall be null and void.

41 (f) Nothing in this Paragraph shall be interpreted to limit the right of a natural person or  
 42 entity of this state voluntarily to restrict or limit his, her, or its own constitutional rights by  
 43 contract or specific waiver consistent with constitutional principles. However, the  
 44 language of any such contract or other waiver shall be strictly construed in favor of  
 45 preserving the constitutional rights of the natural person in this state. Further, no court in  
 46 this state shall be required by any contract or other obligation entered into by a person or  
 47 entity to apply or enforce any foreign law.

48 (g) Except as limited by subparagraph (f) of this Paragraph, without prejudice to any  
 49 legal right, this Paragraph shall not apply to a corporation, partnership, limited liability  
 50 company, business association, or other legal entity that contracts to subject itself to foreign  
 51 law in a jurisdiction other than this state or the United States.

52 (h) Notwithstanding Article IV, Section I of the United States Constitution, where the  
 53 public acts, records, or judicial proceedings of another state violate the public policy of the  
 54 State of Georgia, the State of Georgia shall not give full faith and credit thereto."

55 **SECTION 2.**

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

59    " YES    Shall the Constitution of Georgia be amended so as to prohibit the  
60                    application of foreign law in violation of rights guaranteed natural citizens  
61        NO    by the United States and Georgia Constitutions and to prohibit the  
62                    application of laws enacted by other states in the United States that violate  
63                    the public policy of the State of Georgia?"

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