**South Carolina General Assembly**

123rd Session, 2019-2020

**S. 29**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Grooms and Verdin

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Companion/Similar bill(s): 4767

Introduced in the Senate on January 8, 2019

Currently residing in the Senate Committee on **Judiciary**

Summary: Courts and foreign law

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/12/2018 Senate Prefiled

12/12/2018 Senate Referred to Committee on **Judiciary**

1/8/2019 Senate Introduced and read first time ([Senate Journal‑page 51](file:///h:\sj\20190108.docx))

1/8/2019 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 51](file:///h:\sj\20190108.docx))

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**VERSIONS OF THIS BILL**

[12/12/2018](file:///p:\pprever\2019-20\29_20181212.docx)

**A** **BILL**

TO AMEND CHAPTER 1, TITLE 14 OF THE 1976 CODE, RELATING TO THE COURTS, BY ADDING SECTION 14‑1‑250, TO PREVENT A COURT OR OTHER ENFORCEMENT AUTHORITY FROM ENFORCING FOREIGN LAW IN THIS STATE FROM A FORUM OUTSIDE OF THE UNITED STATES OR ITS TERRITORIES UNDER CERTAIN CIRCUMSTANCES.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. The General Assembly finds that it is necessary to protect the residents of the State from the application of foreign law from a forum outside of the United States or its territories if that application will result in the violation of a constitutionally guaranteed right, including, but not limited to, the right to due process, freedom of religion, freedom of speech, freedom of the press, or any right of privacy or marriage as specifically delineated in the Constitution of this State or of the United States.

SECTION 2. Chapter 1, Title 14 of the 1976 Code is amended by adding:

“Section 14‑1‑250. (A) As used in this section, the term ‘foreign law’ means any law, rule, or legal code or system established and used or applied in or by another jurisdiction outside of the United States or its territories.

(B) A court, arbitrator, administrative agency, or other adjudicative, mediation, or enforcement authority may not enforce a foreign law if it would violate a constitutionally guaranteed right of this State or of the United States. The provisions of this section apply only to actual or foreseeable violations of the constitutional rights of a person caused by the application of the foreign law.

(C) Notwithstanding another provision of law, if any contractual provision or agreement:

(1) provides for the choice of a foreign law to govern its interpretation or the resolution of a dispute between the parties and if the enforcement or interpretation of the contractual provision or agreement would result in a violation of the constitutional rights of a person, then the contractual provision or agreement must be modified or amended to the extent necessary to preserve the constitutional rights of the parties;

(2) provides for the choice of a venue or forum outside of the United States or its territories and if the enforcement or interpretation of the contractual provision or agreement applying the choice of a venue or forum would result in a violation of the constitutional rights of a person, then the contractual provision or agreement must be interpreted to preserve the constitutional rights of the person against whom enforcement is sought. In addition, if a natural person subject to personal jurisdiction in this State seeks to maintain litigation, arbitration, agency, 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 a nonclaimant in the foreign forum with respect to the matter in dispute, then the claim must be denied; or

(3) is incapable of modification or amendment to preserve the constitutional rights of the parties pursuant to the provisions of this section, then the offending provision is null and void.”

SECTION 3. This act takes effect upon approval by the Governor.

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