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 DIGEST

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Martiny

SB No. 460

Present law (R.S. 13:4241-4248), the Enforcement of Foreign Judgments Act, provides for procedures for the enforcement of foreign judgments entitled to the full faith and credit of this state.

Proposed law defines "foreign law" as any law, rule, or legal code or system established and used or applied in a jurisdiction outside of the states or territories of the United States.

Proposed law provides that the public policy of this state is to protect its citizens from the application of foreign laws which will result in the violation of a constitutional right.

Proposed law prohibits the enforcement of a foreign law if doing so would violate a right guaranteed by the constitution of this state or of the United States.

Proposed law provides that if the enforcement of any choice of law, venue, or forum non conveniens provision in a contract would result in the violation of a constitutional right, that provision shall be interpreted or construed so that the enforcement of the provision shall not result in a violation of a constitutional right.

Proposed law provides that if any contractual provision or agreement is incapable of being interpreted or construed in order to preserve the constitutional rights of the parties, it shall be declared null and void.

Proposed law prohibits the application of proposed law to a juridical person who is a party to the contract or agreement.

Proposed law provides for application of proposed law to only actual or foreseeable violations of constitutional rights.

(Adds R.S. 9:6000)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Natural Resources to the original bill.

1. Moved proposed law from R.S. 13:4249 to R.S. 9:6000.

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Civil Law and Procedure to the engrossed bill.

1. Deleted provisions relative to the voluntary restriction of constitutional rights.