

SECOND REGULAR SESSION

HOUSE BILL NO. 3338

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE WHALEY.

7263H.011

JOSEPH ENGLER, Chief Clerk

AN ACT

To amend chapters 1, 506, and 508, RSMo, by adding thereto three new sections relating to application of foreign law.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapters 1, 506, and 508, RSMo, are amended by adding thereto three
2 new sections, to be known as sections 1.037, 506.602, and 508.074, to read as follows:

**1.037. The World Health Organization, the United Nations, the World Economic
2 Forum, and any other international organization or body shall have no jurisdiction or
3 power within the state of Missouri. No rule, regulation, fee, tax, policy, or mandate of
4 any kind of the World Health Organization, the United Nations, the World Economic
5 Forum, or any other international organization or body shall be enforced or
6 implemented by the state of Missouri or any agency, department, board, or
7 commission of the state or any municipality or other political subdivision of the state.**

**506.602. 1. This section shall be known and may be cited as the "No Shari'a
2 Act".**

3 2. As used in this section, the following terms mean:

**4 (1) "Foreign law", any law, legal framework, legal code, or system, including
5 religious law when invoked as a substitute for a state or federal law, derived from a
6 jurisdiction outside of any state or territory of the United States, including international
7 organizations and tribunals;**

**8 (2) "Fundamental rights", rights guaranteed by the Constitution of Missouri
9 and the Constitution of the United States, including, but not limited to, due process,**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

10 equal protection, freedom of religion, freedom of speech, and rights related to marriage,
11 child custody, and property.

12 **3. The application of Shari'a law or any foreign law that denies the parties**
13 **fundamental rights shall be prohibited and render the following void and**
14 **unenforceable:**

15 **(1) A ruling or decision of any state court, arbitration panel, or administrative**
16 **agency;**

17 **(2) A contract or contractual provision, if severable, that provides for the choice**
18 **of Shari'a law or any foreign law; and**

19 **(3) A contract or contractual provision, if severable, that grants jurisdiction to a**
20 **foreign tribunal.**

21 **4. No court shall enforce or apply:**

22 **(1) A judgment, decree, or arbitration decision if it relies, in whole or in part, on**
23 **Shari'a law or any foreign law that violates the fundamental rights of a party;**

24 **(2) A contract or contractual provision, if severable, that provides for the choice**
25 **of Shari'a law or any foreign law where the enforcement or application would be in**
26 **violation of a party's fundamental rights; or**

27 **(3) Shari'a law or foreign law in matters involving marriage, divorce, child**
28 **custody, adoption, or inheritance if such enforcement or application would be**
29 **inconsistent with fundamental rights or public policy.**

30 **5. The provisions of this section shall not be construed to:**

31 **(1) Disapprove or abrogate existing precedent of the Missouri supreme court;**

32 **(2) Limit adjudication of ecclesiastical matters of a religious organization,**
33 **including the selection, appointment, discipline, or removal of clergy or interpretation of**
34 **doctrine;**

35 **(3) Apply to corporations, partnerships, or associations that voluntarily subject**
36 **themselves to any foreign law or foreign courts; or**

37 **(4) Apply where federal law preempts state law, including obligations under**
38 **treaties or international agreements.**

508.074. No state court, arbitration panel, tribunal, or administrative agency
2 **shall transfer any civil action if such transfer would result in the application of Shari'a**
3 **law or any other foreign law, as the term "foreign law" is defined in section 506.602,**
4 **that would violate or likely violate fundamental rights, as the term "fundamental**
5 **rights" is defined in section 506.602.**