S-0364.1

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**SENATE BILL 5192**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**State of Washington 64th Legislature 2015 Regular Session**

**By** Senator Benton

AN ACT Relating to protecting citizens from foreign laws, codes, or systems; adding a new section to chapter 1.20 RCW; creating new sections; and providing an effective date.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec.**  (1) The legislature finds that:

(a) There have been over fifty cases within the United States that have been adjudicated using laws, codes, or legal systems other than those prescribed in the United States Constitution and/or the individual state Constitution;

(b) There have been several activist judges, legislating from the bench in the cases mentioned previously, using laws, codes, or legal systems other than those prescribed in the United States Constitution and/or the individual state Constitution;

(c) The above-mentioned cases were decided by an unconstitutional and foreign law, code, or legal system;

(d) The individuals in question were under the jurisdiction of the United States Constitution by citizenship or by physical location; and

(e) While the Washington state legislature fully recognizes the right to contract freely under the laws of this state, it also recognizes that this right may be reasonably and rationally circumscribed pursuant to the state's interest to protect and promote rights and privileges granted under the United States or Washington state Constitution.

(2) This act shall be used in all Washington courts.

NEW SECTION. **Sec.**  This act may be known and cited as the American laws for American courts act.

NEW SECTION. **Sec.**  A new section is added to chapter 1.20 RCW to read as follows:

(1) Any court, arbitration, tribunal, or administrative agency ruling or decision violates the public policy of this state and is void and unenforceable if the court, arbitration, tribunal, or administrative agency bases its rulings or decisions in the matter at issue in whole or in part on any law, legal code, or system that would not grant the parties affected by the ruling or decision the same fundamental liberties, rights, and privileges granted under the United States and Washington state Constitutions.

(2) A contract or contractual provision, if capable of segregation, that provides for the choice of a law, legal code, or system to govern some or all of the disputes between the parties adjudicated by a court of law or by an arbitration panel arising from the contract mutually agreed upon violates the public policy of this state and is void and unenforceable if the law, legal code, or system chosen includes or incorporates any substantive or procedural law, as applied to the dispute at issue, that would not grant the parties the same fundamental liberties, rights, and privileges granted under the United States and Washington state Constitutions.

(3)(a) A contract or contractual provision, if capable of segregation, that provides for a jurisdiction for purposes of granting the courts or arbitration panels in personam jurisdiction over the parties to adjudicate any disputes between parties arising from the contract mutually agreed upon violates the public policy of this state and is void and unenforceable if the jurisdiction chosen includes any law, legal code, or system, as applied to the dispute at issue, that would not grant the parties the same fundamental liberties, rights, and privileges granted under the United States and Washington state Constitutions.

(b) If a resident of this state, subject to personal jurisdiction in this state, seeks to maintain litigation, arbitration, agency, or similarly binding proceedings in this state and if the courts of this state find that granting a claim of forum non conveniens or a related claim violates or would likely violate the fundamental liberties, rights, and privileges granted under the United States and Washington state Constitutions of the nonclaimant in the foreign forum with respect to the matter in dispute, then it is the public policy of this state that the claim shall be denied.

(4) For the purposes of this section, "foreign law, legal code, or system" means any law, legal code, or system of a jurisdiction outside of any state or territory of the United States including, but not limited to, international organizations and tribunals, and applied by that jurisdiction's courts, administrative bodies, or other formal or informal tribunals.

NEW SECTION. **Sec.**  This act takes effect January 1, 2016.

**--- END ---**