
SENATE BILL 5192

State of Washington

64th Legislature

2015 Regular Session

By Senator Benton

Read first time 01/15/15. Referred to Committee on Law & Justice.

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

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

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

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

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

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

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

19 (e) While the Washington state legislature fully recognizes the
20 right to contract freely under the laws of this state, it also
21 recognizes that this right may be reasonably and rationally

1 circumscribed pursuant to the state's interest to protect and promote
2 rights and privileges granted under the United States or Washington
3 state Constitution.

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

5 NEW SECTION. **Sec. 2.** This act may be known and cited as the
6 American laws for American courts act.

7 NEW SECTION. **Sec. 3.** A new section is added to chapter 1.20 RCW
8 to read as follows:

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

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

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

37 (b) If a resident of this state, subject to personal jurisdiction
38 in this state, seeks to maintain litigation, arbitration, agency, or

1 similarly binding proceedings in this state and if the courts of this
2 state find that granting a claim of forum non conveniens or a related
3 claim violates or would likely violate the fundamental liberties,
4 rights, and privileges granted under the United States and Washington
5 state Constitutions of the nonclaimant in the foreign forum with
6 respect to the matter in dispute, then it is the public policy of
7 this state that the claim shall be denied.

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

14 NEW SECTION. **Sec. 4.** This act takes effect January 1, 2016.

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