

# SENATE BILL REPORT

## SB 6118

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As of February 5, 2014

**Title:** An act relating to protecting citizens from the application of foreign laws that would result in a violation of a constitutional right.

**Brief Description:** Protecting citizens from the application of foreign laws that would result in a violation of a constitutional right.

**Sponsors:** Senators Benton, Danel, Becker and Honeyford.

**Brief History:**

**Committee Activity:** Law & Justice: 1/31/14.

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### SENATE COMMITTEE ON LAW & JUSTICE

**Staff:** Tim Ford (786-7423)

**Background:** The Constitutions of this state and of the United States protect individual rights including due process, freedom of religion, speech and press, and the rights to privacy, property, and to bear arms in defense of self or others. The courts of this state and of the United States have authority to interpret the Constitutions.

**Summary of Bill:** A court or other authority may not enforce a foreign law if doing so would violate any right guaranteed by the Constitution of this state or of the United States. Contractual provisions or agreements, such as a choice of foreign law to govern its interpretation or resolution of disputes, or requiring a venue outside of the United States to resolve disputes, must be modified or construed to protect the constitutional rights of this state and of the United States. Contractual provisions or agreements that cannot be modified or construed to protect constitutional rights are void and unenforceable. This law does not apply when an entity other than a natural person is a party to the contract or agreement. A natural person means a human being.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: When courts make decisions outside of their powers it is costly to appeal. This bill provides sidebars to protect citizens' constitutional rights. The courts should not allow U.S. and state constitutional rights to be trumped by international law. Fifty cases have been adjudicated using international law. Four cases were adjudicated in Washington State. Similar language to SB 6118 has been imposed on specialty courts prohibiting the use of international law which may violate constitutional rights. Sharia law is an example of a cultural law that is opposed to the U.S. principle of equal treatment under the law. Sharia law erodes the rights of women and girls. Some cultural laws of other nations defend a man's right to injure or kill his wife. We cannot have separate laws apply to different people.

**Persons Testifying:** PRO: Senator Benton, prime sponsor; John Hallinen, Chuck Miller, WA Citizens for Responsible Government; Bea Christophersen, Kerry Hooks, Act for America.