

South Carolina General Assembly
121st Session, 2015-2016

H. 3521

STATUS INFORMATION

General Bill

Sponsors: Reps. Limehouse, Putnam, Clemmons, Rivers, Yow, Burns, Loftis, Chumley and Hicks

Document Path: I:\council\bill\ms\7095ahb15.docx

Companion/Similar bill(s): 101, 948

Introduced in the House on February 4, 2015

Introduced in the Senate on February 3, 2016

Last Amended on January 28, 2016

Currently residing in the Senate Committee on **Judiciary**

Summary: Court or other enforcement authority

HISTORY OF LEGISLATIVE ACTIONS

Date	Body	Action Description with journal page number
2/4/2015	House	Introduced and read first time (House Journal-page 38)
2/4/2015	House	Referred to Committee on Judiciary (House Journal-page 38)
2/11/2015	House	Member(s) request name added as sponsor: Clemmons, Gagnon, Hill, Rivers, Thayer
3/18/2015	House	Member(s) request name added as sponsor: Yow
5/6/2015	House	Committee report: Favorable with amendment Judiciary (House Journal-page 39)
5/7/2015		Scrivener's error corrected
5/12/2015	House	Requests for debate-Rep(s). McEachern, JE Smith, Cobb-Hunter, Limehouse, King, Douglas, McKnight, RL Brown, MS Leod, Clyburn, Hosey, Cole, Clarey, Henegan, Forrester, Taylor, McCoy, Hixon, VS Moss, Putnam, Alexander (House Journal-page 35)
5/14/2015	House	Member(s) request name removed as sponsor: Hill, Gagnon, Thayer
5/14/2015	House	Amended (House Journal-page 24)
5/14/2015	House	Debate adjourned until Tues., 5-19-15 (House Journal-page 37)
5/20/2015	House	Member(s) request name added as sponsor: Burns, Loftis
5/28/2015	House	Requests for debate removed-Rep(s). Clyburn, Henegan, Hosey, King, MS McLeod, Putnam, JE Smith (House Journal-page 23)
6/2/2015	House	Debate adjourned until Wed., 6-3-15 (House Journal-page 66)
6/2/2015	House	Requests for debate removed-Rep(s). Henegan, McEachern (House Journal-page 52)
6/3/2015	House	Debate adjourned until Thurs., 6-4-15 (House Journal-page 164)
6/4/2015	House	Debate adjourned (House Journal-page 41)
6/17/2015	House	Member(s) request name added as sponsor: Chumley
1/13/2016	House	Debate adjourned until Tues., 1-26-16 (House Journal-page 24)
1/27/2016	House	Debate adjourned until Thur., 1-28-16 (House Journal-page 24)
1/28/2016	House	Member(s) request name added as sponsor: Hicks
1/28/2016	House	Amended (House Journal-page 30)
1/28/2016	House	Read second time (House Journal-page 30)
1/28/2016	House	Roll call Yeas-68 Nays-42 (House Journal-page 35)
2/2/2016	House	Read third time and sent to Senate (House Journal-page 41)
2/3/2016	Senate	Introduced and read first time (Senate Journal-page 25)
2/3/2016	Senate	Referred to Committee on Judiciary (Senate Journal-page 25)

2/11/2016 Senate Referred to Subcommittee: Campsen (ch), Bright, Coleman, Young, Kimpson
2/16/2016 Senate Referred to Subcommittee: Massey (ch), Bright, Coleman, Young, Kimpson

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VERSIONS OF THIS BILL

[2/4/2015](#)

[5/6/2015](#)

[5/7/2015](#)

[1/28/2016](#)

1 AMENDED
2 January 28, 2016
3

H. 3521

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6 Introduced by Reps. Limehouse, Putnam, Clemmons, Rivers,
7 Yow, Burns, Loftis, Chumley and Hicks
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9 S. Printed 1/28/16--H.
10 Read the first time February 4, 2015.
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A BILL

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 14-1-250 SO AS TO PREVENT A COURT OR OTHER ENFORCEMENT AUTHORITY FROM ENFORCING FOREIGN LAW INCLUDING, BUT NOT LIMITED TO, SHARIA LAW IN THIS STATE FROM A FORUM OUTSIDE OF THE UNITED STATES OR ITS TERRITORIES UNDER CERTAIN CIRCUMSTANCES.

Amend Title To Conform

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. The General Assembly finds that it shall be the public policy of this State to protect its citizens from the application of foreign laws, whether secular or religious in nature or origin, when the application of a foreign law will result in the violation of a right guaranteed by the Constitution of this State or of the United States including, but not limited to, due process, freedom of religion, speech, or press, and any right of privacy as specifically defined by the Constitution of this State. The General Assembly fully recognizes the right to contract freely under the laws of this State and 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 South Carolina Constitution including, but not limited to, due process, freedom of religion, speech, or press, and any right of privacy as specifically defined by the Constitution of the United States or of this State.

SECTION 2. Chapter 1, Title 14 of the 1976 Code is amended by adding:

1 “Section 14-1-250. (A) As used in this section, ‘foreign law’
2 means any law, legal code, or legal system of a jurisdiction outside
3 of any state or territory of the United States including, but not
4 limited to, international organizations and tribunals applied by that
5 jurisdiction’s courts, administrative bodies, or other formal or
6 informal tribunals.

7 (B) Any court, arbitration, tribunal, or administrative agency
8 ruling or decision in a matter at issue shall violate the public policy
9 of this State and be void and unenforceable to the extent that any
10 such ruling or decision is based upon any foreign law that would
11 not grant the parties affected by the ruling or decision, at a
12 minimum, the fundamental liberties, rights, and privileges granted
13 under the United States and South Carolina Constitutions
14 including, but not limited to, due process, freedom of religion,
15 speech, or press, and any right of privacy as specifically defined by
16 the Constitution of the United States, or of this State.

17 (C) A contract or, if severable, a contractual provision which
18 provides for the choice of a foreign law to govern some or all of
19 the disputes between the parties adjudicated by a court of law or by
20 an arbitration panel arising from the contract mutually agreed upon
21 shall violate the public policy of this State and be void and
22 unenforceable entirely or, if severable, to the extent of the
23 violation, if the foreign law chosen would apply any substantive or
24 procedural law that would not grant the parties the same
25 fundamental liberties, rights, and privileges granted under the
26 United States or South Carolina Constitutions including, but not
27 limited to, due process, freedom of religion, speech, or press, and
28 any right of privacy as specifically defined by the Constitution of
29 the United States or of this State.

30 (D)(1) A contract or, if severable, a contractual provision which
31 provides the courts or arbitration panels *in personam* jurisdiction
32 over the parties to adjudicate any disputes between parties arising
33 from the contract mutually agreed upon shall violate the public
34 policy of this State and be void and unenforceable entirely or, if
35 severable, to the extent of the violation, if the jurisdiction chosen
36 applies any foreign law to the dispute at issue, that would not grant
37 the parties, at a minimum, the fundamental liberties, rights, and
38 privileges granted under the United States and South Carolina
39 Constitutions including, but not limited to, due process, freedom of
40 religion, speech, or press, and any right of privacy as specifically
41 defined by the Constitution of the United States or the Constitution
42 of this State.

1 (2) If a resident of this State, subject to personal jurisdiction
2 in this State, seeks to maintain litigation, arbitration, agency, or
3 similarly binding proceedings in this State and if the courts of this
4 State find that granting a claim of forum non conveniens or a
5 related claim would result or likely result in a violation in the
6 foreign forum of the nonclaimant's fundamental liberties, rights,
7 and privileges granted under the United States or South Carolina
8 Constitution with respect to the matter in dispute, then it is the
9 public policy of this State that the claim shall be denied.

10 (E) This section shall not apply to a church or other religious
11 organization, association, or society, with respect to the individuals
12 of a particular religion regarding matters that are purely
13 ecclesiastical including, but not limited to, matters of calling a
14 pastor, excluding members from a church, electing church officers,
15 matters concerning church bylaws, constitution, and doctrinal
16 regulations and the conduct of other routine church business, when
17 the jurisdiction of the courts of this State would be contrary to the
18 First Amendment of the United States and the Constitution of this
19 State.

20 (F) This section shall not be interpreted by any court to conflict
21 with any federal treaty or other international agreement to which
22 the United States is a party to the extent that such treaty or
23 international agreement preempts or is superior to state law on the
24 matter at issue.”

25
26 SECTION 3. The repeal or amendment by this act of any law,
27 whether temporary or permanent or civil or criminal, does not
28 affect pending actions, rights, duties, or liabilities founded thereon,
29 or alter, discharge, release or extinguish any penalty, forfeiture, or
30 liability incurred under the repealed or amended law, unless the
31 repealed or amended provision shall so expressly provide. After
32 the effective date of this act, all laws repealed or amended by this
33 act must be taken and treated as remaining in full force and effect
34 for the purpose of sustaining any pending or vested right, civil
35 action, special proceeding, criminal prosecution, or appeal existing
36 as of the effective date of this act, and for the enforcement of
37 rights, duties, penalties, forfeitures, and liabilities as they stood
38 under the repealed or amended laws.

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40 SECTION 4. If any section, subsection, paragraph, subparagraph,
41 sentence, clause, phrase, or word of this act is for any reason held
42 to be unconstitutional or invalid, such holding shall not affect the
43 constitutionality or validity of the remaining portions of this act,

1 the General Assembly hereby declaring that it would have passed
2 this act, and each and every section, subsection, paragraph,
3 subparagraph, sentence, clause, phrase, and word thereof,
4 irrespective of the fact that any one or more other sections,
5 subsections, paragraphs, subparagraphs, sentences, clauses,
6 phrases, or words hereof may be declared to be unconstitutional,
7 invalid, or otherwise ineffective.

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9 SECTION 5. This act takes effect upon approval by the Governor.

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