

As Introduced

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H. B. No. 339

Representative Young

**Cosponsors: Representatives Becker, Boose, Brinkman, Burkley, Hood,
Retherford, Roegner, Thompson, Vitale**

A BILL

To enact section 2701.01 of the Revised Code to 1
prohibit courts, administrative agencies, and 2
arbitrators from applying foreign law to the 3
detriment of constitutional rights under the 4
United States and Ohio constitutions. 5

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 2701.01 of the Revised Code be 6
enacted to read as follows: 7

Sec. 2701.01. (A) As used in this section: 8

(1) "Religious organization" means any church, body of 9
communicants, or group that is not organized or operated for 10
profit and that gathers in common membership for regular worship 11
and religious observances. 12

(2) "System of foreign law" means the legal code or system 13
of a jurisdiction outside of the United States or its 14
territories, including international law but not including the 15
legal system of any native American tribe in this state. 16

(B) (1) No court, administrative agency, or arbitrator shall base any ruling or decision in whole or in part on any statutory or other law of a system of foreign law that does not grant the parties affected by the ruling or decision all of the liberties, rights, and privileges granted to United States citizens or legal resident aliens under the constitution of this state or the United States, including, but not limited to, the following:

(a) Equal protection of the laws;

(b) Due process of law;

(c) Freedom of religion;

(d) Freedom of speech;

(e) Freedom of the press;

(f) Any right of privacy or marriage.

(2) A ruling or decision made by a court, administrative agency, or arbitrator in violation of division (B) (1) of this section is void and unenforceable.

(C) (1) A contract, or a contractual provision that is severable from the contract, that designates a system of foreign law or authorizes the choice of a system of foreign law to govern some or all of the disputes between the parties or that grants personal jurisdiction over the parties to any court, administrative agency, or arbitrator that operates under a system of foreign law is void and unenforceable if the system of foreign law designated or chosen or under which the court, administrative agency, or arbitrator operates does not grant the parties all of the liberties, rights, and privileges granted to United States citizens or legal resident aliens under the

constitution of this state or the United States, including, but 45
not limited to, the following: 46

(a) Equal protection of the laws; 47

(b) Due process of law; 48

(c) Freedom of religion; 49

(d) Freedom of speech; 50

(e) Freedom of the press; 51

(f) Any right of privacy or marriage. 52

(2) Division (C) (1) of this section does not apply to 53
contracts entered into before the effective date of this 54
section. 55

(D) If, in an action or proceeding commenced by a resident 56
of this state, an adverse party makes a motion based on forum 57
non conveniens or a similar doctrine, the court shall deny the 58
motion if it finds that granting the motion would likely result 59
in the violation in the foreign forum of any of the liberties, 60
rights, and privileges granted under the constitution of this 61
state or the United States with respect to the matter in 62
dispute. 63

(E) This section does not apply to any non-natural person 64
that contracts to subject itself to a system of foreign law in a 65
jurisdiction outside the United States. 66

(F) This section does not authorize any court to 67
adjudicate, or prohibit any religious organization from 68
adjudicating, the election, appointment, calling, discipline, 69
dismissal, removal, or excommunication of a member, officer, or 70
employee of a religious organization or other ecclesiastical 71

matters, including the interpretation of religious doctrine, 72
where adjudication by a court would violate the constitution of 73
this state or the United States. 74

(G) No court shall interpret this section to conflict with 75
any federal treaty or other international agreement to which the 76
United States is a party to the extent that the treaty or 77
international agreement preempts or is superior to state law on 78
the matter at issue. 79