

As Introduced

**130th General Assembly
Regular Session
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H. B. No. 513

Representative Lynch

**Cosponsors: Representatives Adams, J., Becker, Boose, Brenner, Hood,
Maag, Retherford, Thompson**

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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 of 13
a jurisdiction outside of the United States or its territories, 14
including international law but not including the legal system of 15
any native American tribe in this state. 16

(B)(1) No court, administrative agency, or arbitrator shall 17
base any ruling or decision in whole or in part on any statutory 18

or other law of a system of foreign law that does not grant the 19
parties affected by the ruling or decision one or more of the 20
following fundamental liberties, rights, and privileges granted 21
under the constitution of this state or the United States: 22

(a) Equal protection of the laws; 23

(b) Due process of law; 24

(c) Freedom of religion; 25

(d) Freedom of speech; 26

(e) Freedom of the press; 27

(f) Any right of privacy or marriage. 28

(2) A ruling or decision made by a court, administrative 29
agency, or arbitrator in violation of division (B)(1) of this 30
section is void and unenforceable. 31

(C)(1) A contract, or a contractual provision that is 32
severable from the contract, that designates a system of foreign 33
law or authorizes the choice of a system of foreign law to govern 34
some or all of the disputes between the parties or that grants 35
personal jurisdiction over the parties to any court, 36
administrative agency, or arbitrator that operates under a system 37
of foreign law is void and unenforceable if the system of foreign 38
law designated or chosen or under which the court, administrative 39
agency, or arbitrator operates does not grant the parties one or 40
more of the following fundamental liberties, rights, and 41
privileges granted under the constitution of this state or the 42
United States: 43

(a) Equal protection of the laws; 44

(b) Due process of law; 45

(c) Freedom of religion; 46

(d) Freedom of speech; 47

<u>(e) Freedom of the press;</u>	48
<u>(f) Any right of privacy or marriage.</u>	49
<u>(2) Division (C)(1) of this section does not apply to</u>	50
<u>contracts entered into before the effective date of this section.</u>	51
<u>(D) If, in an action or proceeding commenced by a resident of</u>	52
<u>this state, an adverse party makes a motion based on forum non</u>	53
<u>conveniens or a similar doctrine, the court shall deny the motion</u>	54
<u>if it finds that granting the motion would likely result in the</u>	55
<u>violation in the foreign forum of the fundamental liberties,</u>	56
<u>rights, and privileges granted under the constitution of this</u>	57
<u>state or the United States with respect to the matter in dispute.</u>	58
<u>(E) This section does not apply to any non-natural person</u>	59
<u>that contracts to subject itself to a system of foreign law in a</u>	60
<u>jurisdiction outside the United States.</u>	61
<u>(F) This section does not authorize any court to adjudicate,</u>	62
<u>or prohibit any religious organization from adjudicating, the</u>	63
<u>election, appointment, calling, discipline, dismissal, removal, or</u>	64
<u>excommunication of a member, officer, or employee of a religious</u>	65
<u>organization or other ecclesiastical matters, including the</u>	66
<u>interpretation of religious doctrine, where adjudication by a</u>	67
<u>court would violate the constitution of this state or the United</u>	68
<u>States.</u>	69
<u>(G) No court shall interpret this section to conflict with</u>	70
<u>any federal treaty or other international agreement to which the</u>	71
<u>United States is a party to the extent that the treaty or</u>	72
<u>international agreement preempts or is superior to state law on</u>	73
<u>the matter at issue.</u>	74