

BILL ANALYSIS

S.B. 531
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Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Concerned parties note that most states, including Texas, have no established policy regarding the manner in which courts and judges should address issues pertaining to foreign law. The parties' research indicates that several states have enacted some form of law, including the American Laws for American Courts, to address foreign legal doctrines and laws, and several other states are considering such a law. These concerned parties believe that Texas courts should not enforce a foreign law that violates Texas public policy and believe that Texas needs a tool to provide clear guidance for judges and courts during family law proceedings that involve the application of foreign law. S.B. 531 seeks to provide that tool.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 531 amends the Family Code to prohibit a Texas court from applying a foreign law or enforcing a foreign judgment or arbitration decision involving the marriage relationship or the parent-child relationship if the court finds that application of a foreign law, including application by a foreign court or foreign arbitrator, as applicable, is contrary to the public policy of Texas. The bill defines "foreign law" as a law, rule, or legal code of a jurisdiction outside of the states and territories of the United States. The bill establishes that, for its purposes, application of a law is contrary to public policy if the application would violate a fundamental right guaranteed by the United States Constitution or the Texas Constitution, if it would violate good morals or natural justice, or if it would be prejudicial to the general interests of the citizens of Texas.

S.B. 531 establishes that a contract provision involving the marriage relationship or the parent-child relationship providing that a foreign law is to govern a dispute arising under the contract is void to the extent that the application of the foreign law to the dispute would be contrary to Texas public policy. The bill establishes that a contract provision involving the marriage relationship or the parent-child relationship providing that the forum to resolve a dispute arising under the contract is located outside the states and territories of the United States is void if the foreign law that would be applied to the dispute in that forum would, as applied, be contrary to Texas public policy.

S.B. 531 prohibits a Texas court with jurisdiction to adjudicate a suit affecting the marriage relationship or a suit affecting the parent-child relationship from declining jurisdiction because a

foreign court is a more convenient forum if the foreign court would apply foreign law to the dispute that, if applied, would be contrary to Texas public policy.

S.B. 531 exempts a corporation or other legal entity that contracts to subject the entity to foreign law from the application of the bill's provisions relating to the application of foreign laws and the selection of a foreign forum.

EFFECTIVE DATE

September 1, 2015.