

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 602

BY JUDICIARY, RULES AND ADMINISTRATION COMMITTEE

AN ACT

1 RELATING TO FOREIGN LAWS; AMENDING TITLE 73, IDAHO CODE, BY THE ADDITION OF
2 A NEW CHAPTER 6, TITLE 73, IDAHO CODE, TO PROVIDE LEGISLATIVE INTENT,
3 TO DEFINE TERMS, TO PROVIDE FOR THE UNENFORCEABILITY OF FOREIGN LAWS,
4 TO PROVIDE FOR CHOICE OF LAW IN CERTAIN INSTANCES, TO PROVIDE FOR JU-
5 RISDICTION IN CERTAIN INSTANCES, TO PROVIDE FOR FORUM NON CONVENIENS IN
6 CERTAIN INSTANCES, TO PROVIDE APPLICABILITY, AND TO PROVIDE FOR CERTAIN
7 CONFLICTS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.
8

9 Be It Enacted by the Legislature of the State of Idaho:

10 SECTION 1. That Title 73, Idaho Code, be, and the same is hereby amended
11 by the addition thereto of a NEW CHAPTER, to be known and designated as Chap-
12 ter 6, Title 73, Idaho Code, and to read as follows:

13 CHAPTER 6
14 APPLICATION OF FOREIGN LAWS

15 73-601. LEGISLATIVE INTENT. It shall be the public policy of this
16 state to protect its citizens from the application of foreign laws when the
17 application of a foreign law will result in the violation of a fundamental
18 right guaranteed by the constitution of the United States or the constitu-
19 tion of the state of Idaho, including but not limited to due process, freedom
20 of religion, speech, or the press, and any right of privacy or marriage em-
21 bodied in the constitution of the state of Idaho.

22 73-602. DEFINITIONS. As used in this chapter:

23 (1) "Court" means any court, board, tribunal, arbitration, administra-
24 tive agency, or other adjudicative or enforcement authority of this state.

25 (2) "Foreign law" means any law, legal code, or system adopted by a ju-
26 risdiction outside of any state or territory of the United States, including
27 but not limited to international organizations and tribunals, and applied by
28 that jurisdiction's courts, administrative bodies, or other formal or in-
29 formal tribunals. For the purposes of this chapter, "foreign law" shall not
30 mean, nor shall it include, any laws of the Indian tribes in this state or the
31 English common law.

32 (3) "Religious organization" means any church, seminary, synagogue,
33 temple, mosque, religious order, or religious corporation, association, or
34 society whose identity is distinctive in terms of common religious creed,
35 beliefs, doctrines, practices, or rituals of any faith or denomination, in-
36 cluding any organization qualifying as a church or religious organization
37 under section 501(c) (3) or 501(d) of the Internal Revenue Code.

38 73-603. USE OF FOREIGN LAWS -- UNENFORCEABILITY. Any court ruling or
39 decision that violates the public policy of this state shall be void and un-

1 enforceable to the extent that the court bases its ruling or decision in the
2 matter at issue, in whole or in part, on any foreign law that would not grant
3 the parties affected by the ruling or decision similar fundamental liber-
4 ties, rights, and privileges guaranteed under the constitution of the United
5 States and the constitution of the state of Idaho, including but not limited
6 to due process, freedom of religion, speech, or the press, and any right of
7 privacy or marriage embodied in the constitution of the state of Idaho.

8 73-604. CHOICE OF LAW. A contract or contractual provision that pro-
9 vides for the choice of foreign law to govern some or all of the disputes
10 between the parties adjudicated by a court or by an arbitration panel arising
11 from the contract mutually agreed on that violates the public policy of this
12 state shall be void and unenforceable if the foreign law chosen includes or
13 incorporates substantive or procedural law, as applied to the dispute at is-
14 sue, that would not grant the parties similar fundamental liberties, rights,
15 and privileges guaranteed under the constitution of the United States and
16 the constitution of the state of Idaho, including but not limited to due
17 process, freedom of religion, speech, or the press, and any right of privacy
18 or marriage embodied in the constitution of the state of Idaho.

19 73-605. JURISDICTION. A contract or contractual provision that pro-
20 vides for jurisdiction for the purpose of granting the courts or arbitration
21 panels in personam jurisdiction over the parties to adjudicate any disputes
22 between the parties arising from the contract mutually agreed on shall vio-
23 late the public policy of this state and be void and unenforceable if the ju-
24 risdiction or arbitration panel chosen includes or incorporates substantive
25 or procedural foreign law, as applied to the dispute at issue, that would not
26 guarantee the parties similar fundamental liberties, rights, and privileges
27 guaranteed under the constitution of the United States and the constitution
28 of the state of Idaho, including but not limited to due process, freedom of
29 religion, speech, or the press, and any right of privacy or marriage embodied
30 in the constitution of the state of Idaho.

31 73-606. FORUM NON CONVENIENS. If a person, subject to personal juris-
32 diction in this state, seeks to maintain litigation, arbitration, agency, or
33 similarly binding proceedings in this state and if the courts of this state
34 find that granting a claim of forum non conveniens violates or would likely
35 violate a fundamental right guaranteed under the constitution of the United
36 States or the constitution of the state of Idaho of the nonclaimant in the
37 foreign forum with respect to the matter in dispute, the claim shall be de-
38 nied.

39 73-607. APPLICABILITY. (1) This chapter shall not apply to a corpo-
40 ration, partnership, limited liability company, business association, or
41 other legal entity to the extent that it contracts to subject itself to for-
42 eign law in a jurisdiction other than this state or the United States.

43 (2) This chapter shall not apply to a contract entered into prior to the
44 effective date of this act.

45 (3) The provisions of this chapter shall not be construed to limit the
46 right of any person to the free exercise of religion as guaranteed by the

1 first amendment to the constitution of the United States and section 4, ar-
2 ticle I of the constitution of the state of Idaho. The provisions of this
3 chapter shall not be construed to require or authorize any court to adjudi-
4 cate or prohibit any religious organization from adjudicating ecclesiasti-
5 cal matters, including but not limited to the appointment, calling, disci-
6 pline, dismissal, removal, or excommunication of a member, officer, offi-
7 cial, priest, nun, monk, pastor, rabbi, imam, or other member of the clergy
8 of the religious organization, or the determination or interpretation of the
9 doctrine of the religious organization where adjudication by a court would
10 violate the establishment or free exercise clause of the first amendment to
11 the constitution of the United States and section 4, article I of the consti-
12 tution of the state of Idaho.

13 73-608. CONFLICT. This chapter shall not be construed to conflict with
14 any federal treaty or other international agreement to which the United
15 States is a party, to the extent that such treaty or international agreement
16 is valid and preempts or is superior to state law on the matter at issue.

17 SECTION 2. An emergency existing therefor, which emergency is hereby
18 declared to exist, this act shall be in full force and effect on and after
19 July 1, 2026.